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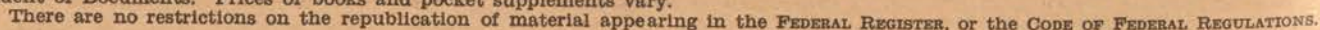
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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 511—POSITION CLASSIFICATION UNDER THE CLASSIFICATION ACT SYSTEM

PART 534—PAY UNDER OTHER SYSTEMS

Miscellaneous Amendments

1. Effective April 15, 1964, § 511.201 of Subpart B. "Coverage of the Classification Act" of Part 511 is revised as set out below:

Subpart B—Coverage of the Classification Act

§ 511.201 Coverage of and exclusions from the Classification Act.

(a) *Coverage.* This part and the Classification Act apply to all positions in the departments except those specifically excluded by the act, by section 2 of the Act of August 4, 1947 (61 Stat. 727; 5 U.S.C. 1052), and by paragraph (b) of this section.

(b) *Exclusions.* In addition to the positions specifically excluded by the act and by section 2 of the Act of August 4, 1947, the following positions are excluded from this part and the Classification Act:

Auxiliary medical therapy students, Department of Health, Education, and Welfare, as follows: vocational guidance counselors (student); recreation leaders (student); occupational therapists (student); vocational rehabilitation advisers (student); teachers (student) (educational administration and supervision); teachers (student) (business training); teachers (student) (music); teachers (student) (art); and chaplains (student), approved training after a minimum of one year college level training.

Chaplain interns, Department of Health, Education, and Welfare, first year approved clinical training following completion of three or more years approved postgraduate theological training.

Chaplain residents, Department of Health, Education, and Welfare, fifteen months approved clinical training following completion of four or more years approved postgraduate theological training.

Chaplain residents, Department of Health, Education, and Welfare, third year approved clinical training following completion of five or more years approved postgraduate theological training.

Chaplain student interns, Department of Health, Education, and Welfare and Government of the District of Columbia, approved clinical training during second year approved postgraduate theological training.

Clinical psychology interns, Department of Health, Education, and Welfare, second, third, and fourth years approved postgraduate training (predoctoral).

Clinical psychology interns, Government of the District of Columbia, third and fourth years approved postgraduate training (predoctoral).

Clinical psychology interns, Department of the Navy, third year approved postgraduate training (predoctoral).

Clinical psychology residents, Department of Health, Education, and Welfare, first and second years approved postdoctoral training.

Clinical psychology residents, Government of the District of Columbia, first year approved postdoctoral training.

Clinical psychology students, Department of Health, Education, and Welfare, first year approved postgraduate training.

Counseling psychology interns, Department of Health, Education, and Welfare, approved postgraduate training during program for graduate degree.

Dental hygiene students, Department of Health, Education, and Welfare, approved training during clinical affiliation.

Dietetic residents, second year approved postgraduate training.

Hospital administration interns, Department of Health, Education, and Welfare, first year approved postgraduate training.

Hospital administration residents, second year approved postgraduate training.

Hospital administration residents, Department of Health, Education, and Welfare, third year approved postgraduate training.

Medical record interns, Department of Health, Education, and Welfare, one year approved training after a minimum of three years college level training.

Medical record students, Department of Health, Education, and Welfare, one year approved training after two years college level training.

Medical student interns, approved training during third and fourth years of medical school.

Occupational therapy students, Department of the Army, approved training after a minimum of two years college level training.

Pharmaceutical interns, Department of Health, Education, and Welfare, one year approved postgraduate training.

Physical therapy students, Department of the Army, approved training after a minimum of two years college level training.

Psychiatric nurse interns (postgraduate student nurses), Department of Health, Education, and Welfare, one year approved postgraduate training.

Psychiatric nurse students, Department of Health, Education, and Welfare, approved training, undergraduate level.

Psychodrama interns, Department of Health, Education, and Welfare, first, second, and third years approved postgraduate training.

Psychodrama residents, Department of Health, Education, and Welfare, fourth year approved postgraduate training, and fifth year approved postgraduate training or first year approved postdoctoral training.

Psychology student trainees, Department of the Navy, approved postgraduate training in a summer practicum following attainment of bachelor's degree.

Recreation interns, Department of Health, Education, and Welfare, one year approved postgraduate training.

Social worker interns (student social workers), Department of Health, Education, and Welfare, approved postgraduate training during program for Master of Science degree.

Sociology interns, Department of Health, Education, and Welfare, approved postgraduate training during program for graduate degree.

Speech pathology and audiology students, Department of Health, Education, and Welfare, approved postgraduate training during program for graduate degree.

fare: Approved postgraduate training during program for graduate degree.

Speech therapy interns, Department of Health, Education, and Welfare, approved postgraduate training during program for graduate degree.

Student dental assistants, Department of Health, Education, and Welfare, approved training during clinical affiliation.

Student dental technicians, Department of Health, Education, and Welfare, approved training during clinical affiliation.

Student dietitians, Department of the Army and Department of Health, Education, and Welfare, approved training after a minimum of three years college level training.

Student educational therapists, Department of Health, Education, and Welfare, approved training after a minimum of two years college level training.

Student hospital administration interns, Department of Health, Education, and Welfare, approved training prior to first year postgraduate training in hospital administration.

Student laboratory technicians, Department of the Army and Department of Health, Education, and Welfare, one year approved training after a minimum of two years college level training.

Student manual arts therapists, Department of Health, Education, and Welfare, approved training after a minimum of two years college level training.

Student medical librarians, first and second years approved postgraduate training during program for Master of Science degree.

Student medical technologists (interns), Department of the Army and Department of Health, Education, and Welfare, one year approved training after a minimum of three years college level training.

Student medical typists, Department of Health, Education, and Welfare, approved training for a 90-day period.

Student nurse anesthetists, Department of Health, Education, and Welfare, eighteen months approved postgraduate training.

Student nursing assistants, Department of Health, Education, and Welfare, eighteen weeks approved clinical training.

Student pharmacists, Department of Health, Education, and Welfare, approved training after a minimum of three years college level training.

Student practical nurses, D.C. General Hospital and Department of Health, Education, and Welfare, approved training during clinical affiliation.

Student practical nurses, Department of Health, Education, and Welfare, one year approved training.

Student public health nutritionists, Department of Health, Education, and Welfare, approved training during program for graduate degree.

Student X-ray technicians, Department of Health, Education, and Welfare, twenty-four months approved training.

(Sec. 3, 61 Stat. 727 and sec. 1101, 63 Stat. 971; 5 U.S.C. 1052, 1072)

2. Effective April 15, 1964, §§ 534.202 and 534.204 of Subpart B—"Trainees in Government Hospitals" of Part 534 are revised as set out below.

Subpart B—Trainees in Government Hospitals

§ 534.202 Maximum stipends.

(a) Maximum stipends (including overtime pay, maintenance allowances,

and other payments in money or kind) are prescribed according to the academic levels of the approved training for which the positions are excluded from the Federal Employees Pay Act and the Classification Act.

MAXIMUM STIPENDS PRESCRIBED

Code symbol	Academic level of approved training program	Maximum stipends ^{1 2}		
		Per year	Per month	Per week
L-A	Below high school graduation	\$2,990	\$249	\$57
L-1	First year college undergraduate	3,305	275	63
L-2	Second year college undergraduate	3,565	297	68
L-3	Third year college undergraduate	3,775	314	72
L-4	Fourth year college undergraduate	3,935	327	75
L-5	First year postgraduate predoctoral	4,210	350	80
L-6	Second year postgraduate predoctoral			
L-7	Third year postgraduate predoctoral	5,210	434	100
L-8	Fourth year postgraduate predoctoral	6,340	528	121
L-9	Medical or dental internship	6,925	577	133
L-10	Fifth year postgraduate without doctorate			
L-11	First year postdoctoral (Ph. D.)	7,570	630	145
L-12	Second year postdoctoral (Ph. D.)			
L-13	First year medical or dental residency	8,990	749	172
L-14	Second year medical or dental residency	9,980	831	191
L-15	Third year medical or dental residency	10,570	880	203
L-16	Fourth year medical or dental residency			

¹ Includes overtime pay, maintenance allowances, and other payments in money or kind.

² Subject to adjustment for lesser periods.

(b) Each category of positions is assigned a code symbol, which determines the applicable maximum stipend, as follows:

Auxiliary medical therapy students, Department of Health, Education, and Welfare, as follows: Vocational guidance counselors (student), recreation leaders (student), occupational therapists (student), vocational rehabilitation advisers (student), teachers (student) (educational administration and supervision), teachers (student) (business training), teachers (student) (music), teachers (student) (art), chaplains (student): Approved year college level training..... L-2

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Chaplain residents, Department of Health, Education, and Welfare: Fifteen months approved clinical training following completion of four or more years approved postgraduate theological training..... L-9

Chaplain residents, Department of Health, Education, and Welfare: Third year approved clinical training following completion of five or more years approved postgraduate theological training..... L-10

Chaplain student interns, Department of Health, Education, and Welfare and Government of the District of Columbia: Approved training during second year approved postgraduate theological training..... L-6

Clinical psychology interns, Department of Health, Education, and Welfare and Government of the District of Columbia: Second year approved postgraduate training (predoctoral)..... L-6

Department of Health, Education, and Welfare, Department of the Navy, and Government of the District of Columbia: Third year approved postgraduate training (predoctoral)..... L-7

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Clinical psychology students, Department of Health, Education, and Welfare: First year approved postgraduate training..... L-5

Counseling psychology interns, Department of Health, Education, and Welfare: Approved postgraduate training during program for graduate degree..... L-5

Dental hygiene students, Department of Health, Education, and Welfare: Approved training during clinical affiliation..... L-4

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Hospital administration residents, Second year approved postgraduate training..... L-6

Hospital administration residents, Department of Health, Education, and Welfare: Third year approved postgraduate training..... L-7

Medical interns: Approved internship..... L-8

Medical residents:

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Second year approved residency..... L-10

Third year approved residency..... L-11

Fourth year approved residency..... L-12

Medical record interns, Department of Health, Education, and Welfare: One year approved training after a minimum of three years college level training..... L-4

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Medical student interns:

Approved training during third year of medical school..... L-6

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Occupational therapy interns (student occupational therapists): Approved clinical training in affiliation with an approved school of occupational therapy..... L-4

Occupational therapy students, Department of the Army: Approved training after a minimum of two years college level training..... L-3

Pharmaceutical interns, Department of Health, Education, and Welfare: One year approved postgraduate training..... L-5

Physical therapy interns (student physical therapists): Approved clinical training in affiliation with an approved school of physical therapy..... L-4

Physical therapy students, Department of the Army: Approved training after a minimum of two years college level training..... L-3

Psychiatric nurse interns (postgraduate student nurses), Department of Health, Education, and Welfare: One year approved postgraduate training..... L-5

Psychiatric nurse students, Department of Health, Education, and Welfare: Approved training, undergraduate level..... L-4

Psychodrama interns, Department of Health, Education, and Welfare: First year approved postgraduate training..... L-5

Second year approved postgraduate training..... L-6

Third year approved postgraduate training..... L-7

Psychodrama residents, Department of Health, Education, and Welfare: Fourth year approved postgraduate training..... L-8

Fifth year approved postgraduate training or first year approved post-doctoral training..... L-9

Psychology student trainees, Department of the Navy: Approved postgraduate training in a summer practicum following attainment of bachelor's degree..... L-5

Recreation interns, Department of Health, Education, and Welfare: One year approved postgraduate training..... L-5

Social worker interns (student social workers), Department of Health, Education, and Welfare: Approved postgraduate training during program for Master of Science degree..... L-5

Sociology interns, Department of Health, Education, and Welfare: Approved postgraduate training during program for graduate degree..... L-5

Speech pathology and audiology students, Department of Health, Education, and Welfare: Approved postgraduate training during program for graduate degree..... L-5

Speech therapy interns, Department of Health, Education, and Welfare: Approved postgraduate training during program for graduate degree..... L-5

Student dental assistants, Department of Health, Education, and Welfare: Approved training during clinical affiliation..... L-1

Student dental technicians, Department of Health, Education, and Welfare: Approved training during clinical affiliation..... L-2

Student dietitians, Department of the Army, and Department of Health, Education, and Welfare: Approved training after a minimum of three years college level training..... L-4

Student educational therapists, Department of Health, Education, and Welfare: Approved training after a minimum of two years college level training L-3

Student hospital administration interns, Department of Health, Education, and Welfare: Approved training prior to first year postgraduate training in hospital administration L-4

Student laboratory technicians, Department of the Army and Department of Health, Education, and Welfare: One year approved training after a minimum of two years college level training L-3

Student manual arts therapists, Department of Health, Education, and Welfare: Approved training after a minimum of two years college level training L-3

Student medical librarians: First and second years approved postgraduate training during program for Master of Science degree L-5, L-6

Student medical technologists (interns), Department of the Army and Department of Health, Education, and Welfare: One year approved training after a minimum of three years college level training L-4

Student medical typists, Department of Health, Education, and Welfare: Approved training for a 90-day period L-A

Student nurse anesthetists, Department of Health, Education, and Welfare: Eighteen months approved postgraduate training L-5, L-6

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Department of the Army: Approved training in a degree program, after a minimum of two years college level training L-3

Student nursing assistants, Department of Health, Education, and Welfare: Eighteen weeks approved clinical training L-A

Student pharmacists, Department of Health, Education, and Welfare: Approved training after a minimum of three years college level training L-4

Student practical nurses, D.C. General Hospital: Approved training during clinical affiliation L-A

Department of Health, Education, and Welfare: One year approved training L-A

Student public health nutritionists, Department of Health, Education, and Welfare: Approved training during program for graduate degree L-5

Student X-ray technicians, Department of Health, Education, and Welfare: Twenty-four months approved training L-1

First twelve months L-1

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§ 534.204 Agency requests for additional exclusions.

An agency may request the Commission to:

(a) Exclude from the Federal Employees Pay Act of 1945, as amended, and the Classification Act of 1949, as amended, positions in addition to those referred to in § 534.201 which are filled by student-employees who are assigned or attached to a hospital, clinic, or medical or dental laboratory; and

(b) Prescribe maximum stipends for such positions.

The agency shall submit each request to the Commission with full supporting in-

formation, including complete identification of the positions concerned.

(Secs. 1, 2, 3, 61 Stat. 727; 5 U.S.C. 902, 1051, 1052)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant to
the Commissioners.

[F.R. Doc. 64-2722; Filed, Mar. 19, 1964;
8:49 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER I—DETERMINATION OF PRICES

[Sugar Determination 877.15, Interpretation]

PART 877—SUGARCANE; PUERTO RICO

Fair and Reasonable Prices; 1962-63 Crop

Pursuant to the provisions of section 301(c) (2) of the Sugar Act of 1948, as amended (herein referred to as "act"), the following interpretation is made to clarify the regulations contained in determinations of fair and reasonable prices for sugarcane in Puerto Rico as set forth for the 1962-63 crop in § 877.15 of Chapter VIII of Title 7 of the Code of Federal Regulations (28 F.R. 959), published February 1, 1963:

Interpretation. The provisions of regulations as set forth in 7 CFR 877.15 for determining the yield of raw sugar shall be deemed to have been met with respect to sugarcane delivered to a processor by a producer from the Island of Vieques where sugarcane of several producers is commingled, provided the yield of raw sugar was determined with respect to each barge load of sugarcane by applying the formula in Schedule A to the sugarcane of each barge load without segregating the sugarcane of each producer, and provided that each producer received payment or sugar for his share of the total sugar produced from the barge load of sugarcane determined on the basis of the ratio of the net weight of each producer's sugarcane to the total net weight of the barge load of sugarcane.

STATEMENT OF BASES AND CONSIDERATIONS

This interpretation provides that the sugar yield of each producer's sugarcane which was commingled while being loaded or transported from the Island of Vieques to the processor's mill shall have been properly determined if the formula in Schedule A was applied to the total sugarcane of each barge load and if each producer received payment or sugar for his share of the total sugar produced from the barge load of sugarcane determined on the basis of the ratio of the net weight of each producer's sugarcane to the total net weight of the barge load of sugarcane.

Approximately 300 growers produce sugarcane on the Island of Vieques. This sugarcane is transported from the growers' farms by trucks or carts to a scale in chained bundles. The sugarcane is then transferred to railroad cars

and transported to a pier where the cane is loaded on sea barges. The cane is barged for a distance of approximately 18 miles where the bundles of cane are unchained and loaded into railroad cars. The sugarcane is then transported by railroad to the mill and each car may contain sugarcane produced by several different growers, but is not identifiable with respect to each grower inasmuch as it has been commingled when loaded or transported to mill. Juice samples are taken daily from each railroad car at the factory and the yield of sugar is determined. Such yield is applied to the net weight of cane received on the barge to determine the total sugar content. The total sugar so determined is credited to each grower in proportion to the cane delivered by him. This method of handling sugarcane and allocation of sugar yields has been followed with respect to sugarcane produced on the Island of Vieques over an extended period of years without objection by the growers and without any question being raised of compliance with applicable regulations. This interpretation makes clear that such procedure is within the meaning of the provisions of prior fair and reasonable price determinations for Puerto Rico.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U.S.C. Sup. 1131, as amended)

Signed at Washington, D.C., on March 17, 1964.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 64-2717; Filed, Mar. 19, 1964;
8:49 a.m.]

[Sugar Determination 877.16]

PART 877—SUGARCANE; PUERTO RICO

Fair and Reasonable Prices; 1963-64 Crop

Pursuant to the provisions of section 301(c) (2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, and due consideration of evidence presented at the public hearing held in Santurce, Puerto Rico, on October 17, 1963, the following determination is hereby issued:

§ 877.16 Fair and reasonable prices for the 1963-64 crop of Puerto Rican sugarcane.

A producer of sugarcane in Puerto Rico who is also a processor of sugarcane (herein referred to as "processor"), shall have paid, or contracted to pay, for sugarcane of the 1963-64 crop grown by other producers and processed by him, in accordance with the following requirements:

(a) **Definitions.** For the purpose of this section, the term:

(1) "Raw sugar" means raw sugar as made converted to 96° basis.

(2) "Sugar yield period" means any period not exceeding one calendar month as may be elected by the processor to determine the yield of raw sugar. The

period adopted by the processor shall be used uniformly throughout the grinding season. In instances where odd days occur because a processor begins or ends grinding on a day which does not correspond with the beginning or ending of the sugar yield period, or grinding is interrupted because of holidays or for other reasons, such odd days shall be included either in the prior or subsequent sugar yield period, or treated as a separate sugar yield period.

(3) "Price of raw sugar" means the simple average of the daily spot price quotations for sugar deliverable under the New York Coffee and Sugar Exchange No. 7 domestic contract (bulk sugar) for the period January 1, 1964, through December 31, 1964, except that if the Director of the Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250, determines that any such price quotation does not reflect the true market value of raw sugar because of inadequate volume or other factors, he may designate the price to be effective under this determination which he determines will reflect the true market value of raw sugar.

(4) "Inferior varieties of sugarcane" means sugarcane of the *Saccharum Spontaneum* or *Saccharum Sinense* variety (including sugarcane of the Japanese, Uba, Kavangerie, Zuinga, Caledonia, Coimbatore 213 and Coimbatore 281 varieties).

(5) "Yield of raw sugar" means the yield of raw sugar per 100 pounds of net sugarcane determined for the sugar yield period in accordance with the formula set forth in Schedule A attached hereto and made a part hereof.

(6) "Net sugarcane" means (i) the gross weight of the sugarcane delivered to the mill determined to contain a quantity of trash not in excess of 5 percent of the gross weight, or (ii) the gross weight of the sugarcane delivered to the mill less the quantity of trash determined to be in excess of 5 percent of such gross weight.

(7) "Trash" means green or dried leaves, sugarcane tops, soil, stones, and all other extraneous material.

(8) "Area Office" means Caribbean Area Agricultural Stabilization and Conservation Service Office, Santurce, Puerto Rico.

(b) *Payment for sugarcane.* (1) The payment for net sugarcane delivered by the producer to the processor shall be made either by the delivery to the producer of his share of raw sugar or by the payment to the producer of the money value of his share of raw sugar, whichever method is agreed upon by the producer and the processor.

(2) For each 100 pounds of net sugarcane (including inferior varieties of sugarcane) having a yield of raw sugar of 9 pounds or more, the payment shall be not less than the quantity of raw sugar determined by applying the following applicable percentage to the yield of raw sugar of the producer's net sugarcane:

Pounds of raw sugar per 100 pounds of net sugarcane:	Percentage
9.0	63.0
9.5	63.5
10.0	64.0
10.5	64.5
11.0	65.0
11.5	65.5
12.0	66.0
12.5	66.5
13.0	67.0
13.5 and over	67.5

Intermediate points within the above scale are to be interpolated to the nearest one-tenth point.

(3) For each 100 pounds of net sugarcane (including inferior varieties of sugarcane) having a yield of raw sugar of less than 9 pounds, the payment shall be not less than the quantity determined by subtracting $3\frac{1}{3}$ pounds of raw sugar from the yield of raw sugar of the producer's net sugarcane.

(4) If settlement with the producer is made in cash, the processor shall pay to the producer the money value of his share of raw sugar determined on the basis of the price of raw sugar converted to an f.o.b. mill price by subtracting therefrom the admissible deductions for selling and delivery expenses on raw sugar in accordance with Schedule B attached hereto and made a part hereof.

(c) *Molasses payment.* For each ton of net sugarcane delivered the processor shall either deliver to the producer 66 percent of the average production of blackstrap molasses per ton of net sugarcane of the 1963-64 crop processed at each mill or shall pay to the producer the money value of such quantity of molasses, whichever method is agreed upon between the producer and the processor. If settlement with the producer is made in cash such settlement shall be based upon the average gross sales price of molasses less the admissible deductions for selling and delivery expenses in accordance with Schedule C attached hereto and made a part hereof. A processor operating more than one mill shall compute the average gross proceeds per gallon from the sales of molasses produced at all mills operated by such processor and shall compute the net proceeds per gallon separately for each mill operated by such processor. If a processor has not sold 1963-64-crop molasses by the time he is required to submit to the Area office a statement as required by paragraph (g) (2) of this section, he shall make a provisional molasses payment to producers of not less than 75 percent of the average of the net proceeds per gallon realized by all other processors in Puerto Rico who made cash settlements for 1963-64-crop molasses, as determined by the Director of the Area office. Final settlement with producers shall be made promptly after the 1963-64-crop molasses has been sold, based upon the average gross proceeds therefrom and the processor shall promptly submit to the Area office a statement as required by paragraph (g) (2) of this section.

(d) *Determination of net sugarcane.* (1) The net sugarcane of each producer (including the processor) which is de-

livered to the mill each day shall be determined as follows: The processor jointly with a representative designated by the producers or the producer organization in any mill area, shall examine the sugarcane deliveries and estimate whether the deliveries contain a quantity of trash (i) not in excess of 5 percent of the gross weight, or (ii) in excess of 5 percent of the gross weight. In the absence of a producer representative the processor shall have full responsibility for examining such sugarcane deliveries and for making such estimates. As to the deliveries of sugarcane of any producer which are estimated to contain trash not in excess of 5 percent, the gross weight of the sugarcane delivered shall also be the net weight. As to the deliveries of sugarcane of any producer estimated by both the processor and the representative of producers or by either of such parties to contain trash in excess of 5 percent, the net weight shall be determined by taking a representative sample of not less than 100 pounds of sugarcane from one or more of the deliveries deemed to be representative and separate therefrom all trash. The weight of trash which is removed from the sample of sugarcane shall be expressed as a percentage of the gross weight of the sample. The net weight of the sugarcane delivery from which the sample was taken shall be determined by deducting from the gross weight of such sugarcane, a percentage thereof which represents the excess, if any, of the trash over 5 percent, and the same adjustment as determined above shall be applied to the gross weight of all other deliveries of sugarcane delivered by that producer during the same day which are estimated to contain trash content reasonably similar to the delivery from which the sample was taken.

(2) With respect to the sample taken as provided in subparagraph (1) of this paragraph, the processor may make a separate determination of the weight of soil and stones contained in such sample and may charge the producer 5 cents per ton of net sugarcane delivered during the day which is represented by the sample for each one percent, fractions in proportion, by which the weight of soil and stones is in excess of one percent of the gross weight of the sample.

(e) *Sampling charges.* The processor may charge the producer 66 percent of the actual cost, but not to exceed \$2.64, for each sample taken to cover the cost of sampling and measuring the actual quantity of trash. If a separate determination is made of the weight of soil and stones, the cost thereof shall be borne by the processor.

(f) *Services and allowances to producers.* (1) When payment is made to the producer by the delivery of raw sugar, the processor shall store and insure all such sugar through December 31, 1964, and shall bear the costs thereof.

(2) Allowances made to producers by the processor for the 1962-63 crop shall be made for the 1963-64 crop at the rates which were effective under comparable conditions in 1962-63; the costs of serv-

ices which were borne by the processor for the 1962-63 crop shall be borne for the 1963-64 crop: *Provided*, That nothing in this subparagraph shall be construed as prohibiting negotiations between the processor and producer with respect to the amount of allowances to be made to the producer, any change to be approved in writing by the Area office upon a determination by the Director of the Area office that the change results in allowances which are fair and reasonable.

(g) *Reporting requirements.* (1) The processor shall submit to the Area office a list of those producers with whom settlement will be made in cash and those with whom settlement will be made in sugar, together with a statement as to the sugar yield period which will be used during the grinding season. Such information shall be submitted not later than 7 days after grinding commences, except that in extenuating circumstances an extension may be granted by the Director of the Area office.

(2) If the processor makes settlement in cash he shall submit in duplicate to the Area office statements verified by a Certified Public Accountant of the gross proceeds from the sales of molasses and the deductions made in determining the f.o.b. mill price of sugar and the net proceeds from molasses. Such statements shall be submitted not later than June 1, 1965, except that in extenuating circumstances an extension may be granted by the Director of the Area Office.

(h) *Subterfuge.* The processor shall not reduce the returns to the producer below those determined in accordance with the requirements of this section through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes the fair and reasonable price requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1963-64 crop grown by other producers.

(b) *Requirements of the act.* Section 301(c) (2) of the act provides as a condition for payment, that the producer on the farm who is also directly or indirectly a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) *1963-64 price determination.* This determination continues the provisions of the 1962-63 crop determination, except that the sugar yield formula as provided in Schedule A is modified by extending the trash correction factor to provide for sugarcane containing trash up to 30 percent or more, and the items of "wharfage" and "freight", which are admissible selling and delivery expenses for molasses as provided in Schedule C, are revised to include charges resulting from new methods of handling molasses at a port facility.

A public hearing was held in Santurce, Puerto Rico, on October 17, 1963, at which interested persons were afforded the opportunity to testify with respect to fair and reasonable prices for the 1963-64 crop of sugarcane. The notice of hearing requested views and recommendations on the definition of selling and delivery expenses for molasses with particular reference to "wharfage" and "storage."

The representative of the Grower-Processor Committee recommended that the provisions of the 1962-63 price determination be continued for the 1963-64 crop without change. The witness suggested that the definition of selling and delivery expenses for molasses be deferred for subsequent study. The witness stated that the sugarcane trash problem still persists and that a recent study conducted by the Puerto Rico Department of Agriculture indicated that the excessive trash delivered with sugarcane is responsible for the prevailing low yields and substantial losses of sugar.

A representative of a processing company stated that dirt delivered with the cane has been a factor in low yields of sugar and that the company had decided to install a cane washing facility to be in operation for the 1963-64 crop; that plans are to wash slightly more than 50 percent of the crop which is about the expected percentage of mechanically loaded cane to be received at the mill; that the juice of the washed cane will be somewhat diluted as compared to the juice of the cane that is not washed; and that some provision should be made in the sugar yield formula to compensate for the diluted juice.

The President of the Sugar Board of Puerto Rico testified that the Sugar Board had approved revised regulations relating to the delivery of trash with sugarcane, and that the Board planned more rigid enforcement of the regulations. The witness said that in his opinion dirt delivered with sugarcane caused far greater sugar losses than leaves and cane tops, and that the Sugar Board was encouraging the washing of sugarcane to remove dirt and mud.

Representatives of producers on the Island of Vieques recommended that the sugar yield be determined on the basis of the individual producer's sugarcane and not on a total barge load of commingled sugarcane as has been the practice in the past; and that payments to producers be based on the weight of sugarcane delivered by each producer at the scales on the Island of Vieques.

Consideration has been given to the recommendations made at the hearing and to other pertinent information.

The provisions of the determination relating to deductions for excessive trash and other extraneous material, and the conversion factors required to be applied in determining sugar yields have been reexamined and are deemed to be equitable. The determination contains no provision which would prohibit the washing of sugarcane prior to milling.

For many years sugarcane from the Island of Vieques has been transported to the mill by the combined use of trucks or carts, railroad cars and sea barges. In the loading and transporting opera-

tions the sugarcane of several producers is commingled and therefore not identifiable with respect to deliveries of cane by each producer. Juice samples are taken daily at the mill from each railroad car, the yield of sugar is determined, and such yield is applied to the net weight of sugarcane received on the barge to determine the total sugar content. The total sugar so determined is credited in proportion to the net weight of cane delivered by each producer. Investigation indicates that it would not be economical or practicable to handle separately the sugarcane of each producer because of the excessive costs of sorting bundles and the necessity of doubling the number of railroad cars. Accordingly, the sugar yield of sugarcane which is commingled while being loaded or transported from the Island of Vieques to the processor's mill shall be the total sugar produced from the barge load of sugarcane, determined in accordance with Schedule A of this determination. The producers' share of such sugar shall be apportioned on the basis of the ratio of the net weight of each producer's sugarcane to the total net weight of the barge load of sugarcane. The sugarcane of each grower shall be weighed at scales on the Island of Vieques to determine gross weight. The net weight of commingled cane from the barge load shall be determined at the mill in accordance with the applicable provisions of this determination, and the difference in gross and net weights shall be distributed among the growers who supplied the barge load of cane in proportion to the tonnage delivered by each grower.

In 1962, a processor constructed molasses tanks, pipelines, and pumping facilities at a port terminal for the purpose of handling molasses more efficiently and at lower cost. However, this facility resulted in expense items which had not been clearly classified as admissible selling and delivery expenses in arriving at the net proceeds for molasses. The total charges for transporting, handling and pumping molasses aboard ships under the new method of handling have been reduced by about 50 percent as compared with the prior costs for handling molasses, thus, benefitting both the processor and producers. Accordingly, to encourage more efficient methods of marketing molasses, the items of freight and wharfage, specified in Schedule C of the prior determination have been revised to include expenses resulting from the utilization of the molasses port facility.

On the basis of an examination of all the pertinent factors, the provisions of this determination are deemed fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interpret or applies sec. 301, 61 Stat. 929; 7 U.S. Sup. 1131.)

Signed at Washington, D.C., on March 17, 1964.

CHARLES S. MURPHY,
Acting Secretary.

RULES AND REGULATIONS

SCHEDULE A

FORMULA FOR DETERMINING THE "YIELD OF RAW SUGAR" FOR EACH PRODUCER

$$R = TI(S - 0.3B)F$$

Where:

R = Yield of raw sugar, 96° basis;

S = Polarization of the crusher juice obtained from the sugarcane of each producer;

B = Brix of the crusher juice obtained from the sugarcane of each producer;

T = Trash correction factor which varies inversely with the amount of trash contained in the sugarcane of each producer from 1.0 for sugarcane which contains an amount of trash not in excess of 5 percent of the gross weight of sugarcane to 0.90075 for sugarcane which contains an amount of trash in excess of 16 percent but not in excess of 17 percent of the gross weight of sugarcane, and for each 1.0 percent trash or fraction thereof above 17 percent, such correction factor shall be decreased 0.01. For trash in excess of 30 percent, the correction factor shall not be more than 0.76075.

I = Inferior sugarcane correction factor which is applied only to inferior varieties of sugarcane of each producer and is determined as follows:

- (a) When the purity, P (where $P = 100 S + B$), of the crusher juice of sugarcane is equal to 75 or more, the factor, $I = 0.9$; or
- (b) When the purity, P (where $P = 100 S + B$), of the crusher juice of such sugarcane is less than 75, the factor, $I = 0.9 - 0.02 (75 - P)$;

F = Yield factor which is determined as follows:

- (a) Determine the "tentative recovery of raw sugar", 96° basis, for each producer delivering sugarcane during the settlement period from the product of the formula $(S - 0.3B)$, the number of hundredweights of net sugarcane, the applicable trash correction factor, T; and where applicable the inferior sugarcane correction factor, I; and
- (b) Divide the pounds of raw sugar, 96° basis, produced at the mill during the applicable settlement period by the sum of the "tentative recoveries of raw sugar" for all producers to obtain the yield factor, F.

The sugar yield of sugarcane which is commingled while being loaded or transported from the Island of Vieques to the processor's mill shall be the total sugar produced from the barge load of sugarcane, determined by applying the formula prescribed by this Schedule A to the sugarcane of each barge load without segregating the cane of each producer; and the producers' share of such sugar shall be apportioned on the basis of the ratio of the net weight of each producer's sugarcane to the total net weight of the barge load of sugarcane. The sugarcane of each grower shall be weighed at scales on the Island of Vieques to determine gross weight. The net weight of commingled cane from the barge load shall be determined at the mill in accordance with the applicable provisions of this determination, and the difference in gross and net weights shall be distributed among the growers who supplied the barge load of cane in proportion to the tonnage delivered by each grower.

SCHEDULE B

ADMISSIBLE DEDUCTIONS FOR SELLING AND DELIVERY EXPENSES ON RAW SUGAR

Admissible deductions for selling and delivery expenses on 1963-64 crop raw sugar are limited to the sum of the following ex-

penses for each mill operated by a processor, net of any receipts which reduce such expenses;

(1) Freight from the mill directly to the bulk raw sugar loading terminal, including the cost of covering cars or trucks where necessary;

(2) The cost of receiving, handling, and loading aboard ship at the bulk terminal at the rates established by the Puerto Rico Public Service Commission and in effect at the time the sugar is delivered to the bulk sugar terminal facility;

(3) Ocean freight;

(4) Unloading at destination;

(5) Freight demurrage resulting from causes beyond the control of the shipper; and

(6) An allowance of 7.0 cents per hundredweight of 96° raw sugar, in lieu of the following expenses:

(i) Reclaiming, weighing, and loading at mill or where stored;

(ii) Shore risk, marine and war risk insurance;

(iii) Brokerage or commission and exchange;

(iv) Weighing, testing and sampling at destination;

(v) All other expenses not itemized herein.

When any of the necessary services included in items (1), (3), (4), or (5) above are furnished by the processor, costs incurred may include for each of the services rendered:

(1) Direct and immediate supervisory labor;

(2) Maintenance labor and supplies required for the facilities used;

(3) Taxes and insurance assessed or charged to the processor on such labor and a proportionate share of retirement and pension, bonuses, and vacation expenses properly allocable to such labor;

(4) Direct supplies; and

(5) Depreciation (at rates allowed by the taxing authority), property taxes, and property insurance on the facilities used.

Administrative expenses and interest shall be excluded from the computation of costs. In the event that facilities used in providing the necessary services are also used for other purposes by the processor, only that portion of the maintenance, depreciation, property taxes, and property insurance of such facilities properly apportionable to the necessary service shall be allowed.

The Director of the Area office may permit the use of the lowest rate charged by a public utility or carrier for comparable service in lieu of the costs incurred by the processor in furnishing the necessary service in the event that the costs incurred therefor cannot be accurately determined.

In determining the f.o.b. mill price of raw sugar sold or processed in Puerto Rico, equivalent selling and delivery expenses as approved by the Director of the Area office shall be computed as follows:

(1) If the processor delivers less than 33 percent of the total quantity of raw sugar produced by the mill to mainland refiners, the allowable per hundredweight selling and delivery expenses to be applied to such total quantity shall not exceed the average of the admissible selling and delivery expenses approved by the Director of the Area office for all 1963-64 crop raw sugar produced in Puerto Rico which was delivered to mainland refiners.

(2) If the processor delivers 33 percent or more of the total quantity of raw sugar produced by the mill to mainland refiners, the allowable per hundredweight selling and delivery expenses to be applied to such total quantity shall be the average of the admissible selling and delivery expenses as approved by the Director of the Area office for that quantity of raw sugar produced by the

mill which was delivered to mainland refiners.

The statement as required by paragraph (g) (2) of the determination shall include the following certification:

CERTIFICATION

I, hereby certify that as a result of the audit performed of the books of Central _____ as of _____, the deductions set forth herein are properly chargeable as selling and delivery expenses for sugar in accordance with the determination of fair and reasonable prices for the 1963-64 crop of Puerto Rican sugarcane.

SCHEDULE C

ADMISSIBLE DEDUCTIONS FOR SELLING AND DELIVERY EXPENSES FOR MOLASSES

Admissible deductions for selling and delivery expenses in connection with the molasses payment provided in paragraph (c) of the 1963-64 price determination are limited to the sum of the following expenses actually incurred at each mill operated by a processor, net of any receipts which reduce such expenses:

(1) Operation of pumps to deliver molasses from mill tank to shipside or other delivery point;

(2) Freight incurred or which would have been incurred on direct shipment from tanks located at the mill to shipside, or to a water-front tank facility, or to local buyers when such molasses is sold on a delivered price basis;

(3) Operation of tank barges, tugs, or other marine equipment used in delivering molasses to shipside;

(4) Weighing and testing;

(5) Wharfage, including charges arising from utilization of water-front facilities such as pipelines (including fees paid for right of way privileges), pumps, and tanks (a) to store molasses in anticipation of shipment and (b) to deliver such molasses within the hold of the ship;

(6) Shore risk insurance (limited in coverage from mill to shipside);

(7) Freight demurrage resulting from causes beyond the control of the shipper;

(8) Brokerage paid to a bona fide broker.

When any of the necessary services included in items (1) through (8) above are furnished by the processor, costs incurred may include for each of the services rendered:

(1) Direct and immediate supervisor labor;

(2) Maintenance labor and supplies required for the facilities used;

(3) Taxes and insurance assessed or charged to the processor on such labor and a proportionate share of retirement and pensions, bonuses and vacation expenses properly allocable to such labor;

(4) Fuel, energy or direct supplies; and

(5) Depreciation (at rates allowed by the taxing authorities), property taxes and property insurance on the facilities used.

Administrative expenses and interest shall be excluded from the computation of costs. In the event that facilities used in providing the necessary services are also used for other purposes by the processor, only that portion of the maintenance, depreciation, property taxes, and property insurance of such facilities properly apportionable to the necessary service, shall be allowed.

The Director of the Area office, may permit the use of the lowest rate charged by a public utility or carrier for comparable service in lieu of the cost incurred by the processor in furnishing the necessary service in the event that the costs incurred therefor cannot be accurately determined.

The statement as required by paragraph (g) (2) of the determination shall include the following certification:

CERTIFICATION

I, hereby certify that, as the result of the audit performed of the books of Central _____ as of _____, the gross proceeds from the sales of molasses as herein stated are true and correct and the deductions set forth herein are properly chargeable as selling and delivery expenses for molasses in accordance with the determination of fair and reasonable prices for the 1963-64 crop of Puerto Rican sugarcane.

[F.R. Doc. 64-2718; Filed, Mar. 19, 1964; 8:49 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

PART 950—IRISH POTATOES GROWN IN MAINE

Approval of Expenses

Notice of rule making regarding proposed expenses to be made effective under Marketing Agreement No. 122 and Order No. 950, both as amended (7 CFR Part 950), regulating the handling of Irish potatoes grown in Maine, was published in the FEDERAL REGISTER January 29, 1964 (29 F.R. 1475). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674). The notice afforded interested persons an opportunity to submit data, views, or arguments pertaining thereto not later than 30 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposal set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the Maine Potato Marketing Committee established pursuant to said marketing agreement and order, both as amended, it is hereby found and determined that:

§ 950.211 Expenses.

(a) The reasonable expenses that are likely to be incurred by the Maine Potato Marketing Committee, to enable such committee to perform its functions pursuant to the provisions of Marketing Agreement No. 122, and this part, both as amended, during the fiscal period ending August 31, 1964, will amount to \$14,379.00.

(b) Terms used in this section shall have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated March 17, 1964, to become effective 30 days after publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 64-2719; Filed, Mar. 19, 1964; 8:49 a.m.]

No. 56—2

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8604]

PART 13—PROHIBITED TRADE PRACTICES

Theodore Brogmus and Nebraska Seed & Grain Co.

Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1370 *Business methods, policies, and practice*; § 13.1513 *Operations generally*; Misrepresenting oneself and goods—Goods: § 13.1663 *Individual's special selection or situation*; § 13.1747 *Special or limited offers*. Subpart—Securing orders by deception: § 13.2170 *Securing orders by deception*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Theodore Brogmus, doing business as Nebraska Seed & Grain Company, Norfolk, Nebr., Docket 8604, Feb. 24, 1964]

In the Matter of Theodore Brogmus, an Individual, Trading and Doing Business as Nebraska Seed & Grain Company

Order requiring an individual in Norfolk, Nebr., engaged in the sale of seeds and grain to the public, to cease representing falsely, directly and through his sales agents calling upon prospective customers, that such prospects were specially "selected" to participate, to their profit, in a program of seed grain production he was establishing, that he was contractually bound to purchase at premium prices the harvest produced from seed he sold customers, and that the seed was in limited supply.

The order to cease and desist is as follows:

It is ordered, That respondent, Theodore Brogmus, an individual, trading as Nebraska Seed & Grain Company, or under any other name or names, and respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of seeds, grain or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that:

1. Respondent is establishing, sponsoring or maintaining a program for the production or marketing of seed grain or other products for his customers' participation; or misrepresenting in any other manner the nature of respondent's business.

2. Prospective customers are "chosen", "selected", "designated" or otherwise specially selected.

3. Products offered by respondent are in limited supply.

4. Respondent is in the business of buying seed grain or other products from

his customers; that he usually or regularly purchases the harvest or increase from such products; or misrepresenting in any manner the opportunities afforded to customers to market their products at premium or other prices.

5. Respondent will purchase or is contractually bound to purchase all or part of the harvest or increase grown or raised by his customers from products sold by respondent; or misrepresenting in any manner the obligations incurred by respondent under his contracts with purchasers.

By "Decision of the Commission", etc., order requiring report of compliance is as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: February 24, 1964.

By the Commission.

[SEAL]

JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-2689; Filed, Mar. 19, 1964; 8:45 a.m.]

[Docket No. C-717]

PART 13—PROHIBITED TRADE PRACTICES

L'Aiglon Apparel, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Price discrimination under 2(d): § 13.824 *Advertising expenses*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1526; 15 U.S.C. 45) [Cease and desist order, L'Aiglon Apparel, Inc., Philadelphia, Pennsylvania, Docket C-717, Feb. 27, 1964]

Consent order requiring a corporation engaged in selling wearing apparel products in commerce to cease violating section 2(d) of the Clayton Act by such practices as granting substantial payments for the promoting and advertising of its products to certain department stores and others purchasing for resale while not offering comparable allowances to all competitors of those so favored.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent L'Aiglon Apparel, Inc., a corporation, its officers, directors, agents and representatives and employees, directly or through any corporate or other device, in the course of its business in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of the respondent as compensation or in consideration for advertising or promotional services, or any other service or facility, furnished by or through such customer in connection with the handling, sale or offering

for sale of wearing apparel products manufactured, sold or offered for sale by respondent, unless such payment or consideration is made available on proportionally equal terms to all other customers competing with such favored customer in the distribution or resale of such products.

It is further ordered, That the effective date of this order to cease and desist be and it hereby is postponed until further Order of the Commission.

Issued: February 27, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-2691; Filed, Mar. 19, 1964;
8:45 a.m.]

[Docket No. 8501]

PART 13—PROHIBITED TRADE PRACTICES

Sylvania Electric Products Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Price discrimination under 2(d): § 13.824 *Advertising expenses*; § 13.825 *Allowances for services and facilities*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Sylvania Electric Products Inc., Waltham, Mass., Docket 8501, Feb. 28, 1964]

Consent order requiring a Waltham, Mass., manufacturer of photographic lighting products, including flash lamps, flood lamps and projection lamps, to cease violating section 2(d) of the Clayton Act by such practices as paying a membership service corporation composed of wholesale druggists at least \$18,000 as compensation for advertising and at least \$2,700 for promotional or other services furnished in connection with the sale of respondent's products, while not making comparable allowances available to all competitors of the favored wholesale druggists.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Sylvania Electric Products Inc., a corporation, its officers, employees, agents and representatives, directly or through any corporate or other device, in the course of business in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

Paying, or contracting for the payment of, anything of value to, or for the benefit of, any customer of respondent as compensation, or in consideration for advertising, promotional, consultation, advisory or any other services or facilities furnished by or through such customer, in connection with the processing, handling, sale, or offering for sale of flash lamps, flood lamps, projection flash lamps and other miscellaneous types of photographic lighting products manufactured, sold or offered for sale by respondent unless such payment or consideration is made available on proportionally equal terms to all other cus-

tomers competing with such favored customer in the distribution of such products.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: February 28, 1964.

By the Commission, Commissioner Reilly not participating.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-2692; Filed, Mar. 19, 1964;
8:46 a.m.]

[Docket No. 8448]

PART 13—PROHIBITED TRADE PRACTICES

Heavenly Creations, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.95 *Identity of product*; § 13.155 *Prices*; § 13.155-40 *Exaggerated as regular and customary*; § 13.235 *Source or origin*; § 13.235-50 *Maker or seller, etc.*; § 13.235-60 *Place*; § 13.235-60 (c) *Foreign, in general*; § 13.250 *Success, use or standing*. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception*; § 13.1055-50 *Preticketing merchandise misleadingly*. Subpart—Misbranding or mislabeling: § 13.1280 *Price*; § 13.1325 *Source or origin*; § 13.1325-60 *Maker or seller*; § 13.1325-70 *Place*; § 13.1325-70 (c) *Foreign, in general*. Subpart—Misrepresenting oneself and goods—Prices: § 13.1811 *Fictitious preticketing*. Subpart—Neglecting, unfairly or deceptively, or make material disclosure: § 13.1845 *Composition*; § 13.1845-70 *Textile Fiber Products Identification Act*. Subpart—Simulating another or product thereof: § 13.2220 *Name, containers or dress of products*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Heavenly Creations, Inc. (New York, N.Y.), et al., Docket 8448, Feb. 25, 1964]

In the Matter of Heavenly Creations, Inc., a Corporation, J. B. Promotions, Inc., a Corporation, Americana Star Silver Corp., a Corporation, and Sam S. Goldstein and Sylvia Goldstein, Individually and as Copartners Trading as Sun Gold Industries and as Officers of Each of Said Corporations

Order requiring New York City distributors of various articles of merchandise to distributors and jobbers and to retailers, to cease representing falsely, in advertising and preticketing, that excessive amounts were the usual retail selling price of perfume; through use of the picture of the Eiffel Tower and such words as "Paris Inspired", particularly with fictitiously high prices, that perfume was manufactured in France; through use of the trade name

"Bride O Erin" and the picture of a shamrock against a green background, that tablecloths and napkins from Japan were made in Ireland; that blankets and other merchandise described as "Macgregor", with the word almost an exact copy in pattern and configuration of the letters used in that name by McGregor Dormiger Inc. of Fifth Ave., N.Y., and registered as its trade mark were products of the latter company; and that their perfume and blankets had been continuously advertised in well known magazines; and to cease selling textile fiber products without disclosing the generic name and other information required by the Textile Fiber Products Identification Act.

The order to cease and desist, including further order requiring report of compliance therewith is as follows:

It is ordered, That respondents, Heavenly Creations, Inc., J. B. Promotions, Inc., and Americana Star Silver Corp., all corporations, and their officers, and Sam S. Goldstein and Sylvia Goldstein, individually, and as officers of said corporations, and as copartners doing business under the name of Sun Gold Industries, and respondents' representatives, agents, employees, successors and assigns, directly or indirectly, under any name or through any corporate or other device, in connection with the offering for sale, sale or distribution of any articles of merchandise, in commerce, shall forthwith cease and desist from:

(a) Advertising, disseminating or distributing any list, preticketed or suggested retail price that is not established in good faith as an honest estimate of the actual retail price or that appreciably exceeds the highest price at which substantial sales are made in respondents' trade area;

(b) Stating or implying, by words or pictures or a combination thereof or otherwise, that any merchandise is manufactured or originates in any foreign country or geographical area, unless such is the fact;

(c) Stating or implying that any product has been frequently and/or continuously advertised in any magazine or other medium of communication, unless such is the fact;

(d) Stating or implying that any product has a capacity, content or size different from what it in fact has;

(e) Misrepresenting the identity of the guarantor of any product;

(f) Furnishing any distributor, dealer or retailer with any means whereby to deceive the purchasing public in the manner forbidden by the above provisions of this order;

Respondents shall, within sixty (60) days of service of this order upon them, file with the Commission a written report setting forth in detail the manner and form of their compliance with this order.

Issued: February 25, 1964.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-2690; Filed, Mar. 19, 1964;
8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 34-7251, etc.]

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

PART 201—RULES OF PRACTICE

Miscellaneous Amendments

The Securities and Exchange Commission has amended §§ 201.11(d), 201.11(e), and 201.12(a) (Rules 11 (d) and (e) and 12(a) of its Rules of Practice). The amendments authorize hearing officers to consider and rule upon pre-hearing motions as well as those made during the course of a hearing, and also give greater effect to interlocutory rulings of hearing officers by prescribing more restrictive conditions for appeals from such rulings. At the same time the Commission amended § 200.20-6 in Subpart A of its Statement of Organization, Conduct and Ethics; and Information and Requests, to provide for delegation by the Commission to the Director of the Office of Opinion Writing of the functions of denying an application for review of an interlocutory ruling which a hearing examiner has refused to certify, and of affirming an interlocutory ruling which a hearing examiner has certified. As in the case of other delegations, the Director may submit to the Commission any delegated matter which he believes appropriate. Moreover, § 201.27(a) (Rule 27(a) of the Rules of Practice) is also amended to refer to the delegation with respect to interlocutory rulings, so as to make applicable thereto the provision of § 201.27(d) that the Commission may on its own initiative order review by it of any determination at a delegated level.

The action of the Commission follows:

I. A new § 200.30-6 is added to the Commission's Statement of Organization, Conduct and Ethics; and Information and Requests to read as follows:

§ 200.30-6 Delegation of authority to Director of Office of Opinion Writing.

Pursuant to the provisions of Public Law No. 87-592, 76 Stat. 394, the Securities and Exchange Commission hereby delegates, until the Commission orders otherwise, the following functions to the Director of the Office of Opinion Writing to be performed by him or under his direction by such person or persons as may be designated from time to time by the Chairman of the Commission:

(a) With respect to proceedings conducted pursuant to the Securities Act of 1933, 15 U.S.C. 77a et seq., the Securities Exchange Act of 1934, 15 U.S.C. 78a et seq., the Public Utility Holding Company Act of 1935, 15 U.S.C. 79a et seq., the Trust Indenture Act of 1939, 15 U.S.C. 77aaa et seq., the Investment Company Act of 1940, 15 U.S.C. 80a-1 et seq., and

the Investment Advisers Act of 1940, 15 U.S.C. 80b-1 et seq.:

(1) To consider an application for review of an interlocutory ruling which a hearing examiner has refused to certify, and to deny such application upon determining that the hearing examiner did not err in refusing to certify the matter.

(2) To consider an interlocutory ruling which a hearing examiner has certified, and to affirm such ruling upon determining that such action is appropriate.

(b) Notwithstanding anything in the foregoing, in any case in which the Director of the Office of Opinion Writing believes it appropriate, he may submit the matter to the Commission.

II. The title and paragraphs (d) and (e) of § 201.11 are amended to read as follows:

§ 201.11 Hearings for the purpose of taking evidence; motions and applications to hearing officer.

(d) *Functions of hearing officer.* The hearing officer shall regulate the course of the hearing and shall perform the functions specified in paragraph (e) of this section. Upon notice to all parties, the hearing officer may reopen any hearing prior to the filing of a recommended decision therein, or, if no recommended decision is to be filed, prior to the time fixed for the filing of final briefs with the Commission.

(e) *Rulings by hearing officer; exceptions.* Except as otherwise directed by the Commission, or where these rules specifically provide otherwise, all applications, motions and objections made during a proceeding prior to the filing of a recommended decision therein, or, if no recommended decision is to be filed, prior to the time fixed for the filing of final briefs with the Commission, shall be made to or referred to and decided by the hearing officer, except that where his ruling would dispose of the proceeding in whole or in part, it shall be made only in a recommended decision submitted after the conclusion of the hearing. Except where the hearing officer prescribes or permits a different procedure, any application or motion shall be in writing and shall be accompanied by a written brief of the points and authorities relied upon in support of the same and any party may file an answer within five days after service upon him of such motion or application as provided in § 201.23. Objections to the admission or exclusion of evidence must be made on the record and shall be in short form, stating the grounds of objections relied upon, and the transcript shall not include argument or debate thereon except as ordered by the hearing officer. Rulings by the hearing officer on all applications, motions and objections shall be part of the record. Exceptions to any ruling thereon by the hearing officer need not be noted at the time of the ruling in order to be urged before the Commission. Such exceptions will be deemed waived however, unless raised in accordance with § 201.12(a) or in the manner of a proposed finding in accordance with § 201.16(d) or in the manner of an ex-

ception to a recommended decision in accordance with § 201.17.

III. The title and paragraph (a) of § 201.12 are amended to read as follows:

§ 201.12 Interlocutory review; motions and applications to Commission.

(a) *Review of hearing officer's rulings.* The Commission will not review a ruling of the hearing officer prior to its consideration of the entire proceeding in the absence of extraordinary circumstances. Except as provided in § 201.11 (c), a hearing officer shall not certify a ruling for interlocutory review by the Commission unless a party so requests and (1) the hearing officer finds, either on the record or in writing, that in his opinion a subsequent reversal of his ruling would cause unusual delay or expense, taking into consideration the probability of such reversal, or (2) his ruling would compel testimony of Commission members, officers or employees or the production of documentary evidence in their custody. The certification by the hearing officer shall be in writing and shall specify the material relevant to the ruling involved. The Commission may decline to consider the ruling certified, if it determines that interlocutory review is not warranted or appropriate under the circumstances. If the hearing officer does not certify a matter, a party who had requested certification may apply to the Commission for review, or the Commission on its own motion may direct that any matter be submitted to it for review. An application for review shall be in writing and shall briefly state the grounds relied on. Review will not be granted unless the Commission concludes that the hearing officer erred in failing to certify the matter. Unless otherwise ordered by the hearing officer, the hearing before the hearing officer shall continue whether or not such certification or application is made. Failure to request certification or to make such application will not waive the right to seek review of the ruling of the hearing officer after the close of the hearing pursuant to §§ 201.16 (d) and 201.17. The Commission will prescribe the procedure for each application hereunder and paragraph (c) of this section shall not apply.

IV. Paragraph (a) of § 201.27 is amended to read as follows:

§ 201.27 Review by the Commission of determinations at a delegated level.

(a) *Scope of rule.* This rule is applicable to determinations at a delegated level made pursuant to authority delegated in Articles 30-1 to 30-6 of Subpart A of the Commission's Statement of Organization, Conduct and Ethics, and Information Practices, 17 CFR 200.30-1 to 200.30-6.

(Public Law 87-592, 76 Stat. 394; secs. 19(a), 23(a), 48 Stat. 85, 901, as amended, 15 U.S.C. 77s, 78w; sec. 20(a), 49 Stat. 833, 15 U.S.C. 79t; sec. 319, 53 Stat. 1173, 15 U.S.C. 77sss; sec. 38(a), 54 Stat. 841, 15 U.S.C. 80a-37; and sec. 211(a), 54 Stat. 855, as amended 15 U.S.C. 80b-11)

The Commission finds that the foregoing actions relate to agency organization, procedure or practice and that compliance with sections 4 (a), (b), and (c) of the Administrative Procedure Act is unnecessary. Accordingly, the foregoing actions become effective March 5, 1964.

By the Commission.

ORVAL L. DuBois,
Secretary.

MARCH 5, 1964.

[F.R. Doc. 64-2693; Filed, Mar. 19, 1964;
8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 4060; Amdt. 61-7]

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS [NEW]

Age Requirement for Taking the Airline Transport Pilot Written Test

The purpose of this amendment is to permit an applicant for an airline transport pilot certificate to take the written test for that certificate before his 23d birthday.

Section 61.143 [New] of the Federal Aviation Regulations states in part that an applicant for an airline transport pilot certificate must, after meeting the requirements of § 61.141, make a grade of at least 70 percent on the written test. Section 61.141(a), in turn, requires that the applicant be "at least 23 years of age." These sections may be interpreted to require that an applicant must be 23 years old before taking the written test, although before the recodification of these sections he was permitted to take the test before reaching that age. Since no substantive change was intended by the recodification, this amendment is issued to make it clear that the applicant need not be 23 years of age before taking the written test.

Since this amendment is clarifying in nature and imposes no additional burden on any person but rather relieves a restriction, compliance with the notice and procedures provisions of the Administrative Procedure Act is unnecessary and it may be made effective in less than 30 days.

In consideration of the foregoing, Part 61 [New] of the Federal Aviation Regulations (14 CFR Part 61 [New]) is amended, effective March 20, 1964, by amending the introductory paragraph in § 61.143 to read as follows:

§ 61.143 Airplane rating: aeronautical knowledge.

An applicant for an airline transport pilot certificate with an airplane rating must, after meeting the requirements of §§ 61.141 (except paragraph (a) thereof) and 61.145, make a grade of at least 70 percent on a written test on—

This amendment is made under the authority of sections 313(a), 601, and 602

of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, and 1422).

Issued in Washington, D.C., on March 13, 1964.

N. E. HALABY,
Administrator.

[F.R. Doc. 64-2686; Filed, Mar. 19, 1964;
8:45 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

NOTE: The heading of Title 18 of the Code of Federal Regulations is revised to read as set forth above. A new Chapter III—Delaware River Basin Commission is added to Title 18.

Chapter III—Delaware River Basin Commission

PART 401—RULES OF PRACTICE AND PROCEDURE

A resolution by the Delaware River Basin Commission to adopt 18 CFR Part 401 (Part II of the Administrative Manual), entitled "Rules of Practice and Procedure".

Whereas, at its meeting of January 7, 1964, the Commission authorized and directed the staff to circulate copies of a proposed draft of 18 CFR Part 401 (Part II of the Administrative Manual) to all interested persons for purposes of review, informal discussion and submission of comments; and

Whereas, the proposed draft was circulated and a public hearing thereon was announced on February 4, 1964 (29 F.R. 2312), and held in Trenton, New Jersey, on February 21, 1964; and

Whereas, all comments and suggestions received at the public hearing and otherwise have been duly compiled, reviewed and considered, and the draft of the proposed regulations has been revised accordingly; now therefore be it resolved:

1. Part 401 of Title 18, Chapter II, of the Code of Federal Regulations (Part II of the Administrative Manual), entitled "Rules of Practice and Procedure", a copy of which is annexed hereto and made a part hereof, is hereby approved and adopted.

2. The Secretary is authorized and directed to certify and file copies of this resolution and of the annexed regulations with the Office of the Federal Register and with the Secretary of State of the respective signatory states.

3. The Secretary is further authorized and directed to cause a sufficient quantity of the rules of practice and procedure to be printed and to distribute copies upon request, without charge, within the limits of the available supply.

Adopted: February 27, 1964.

NELSON ROCKEFELLER,
Chairman.
W. BRINTON WHITALL,
Secretary.

Subpart A—Comprehensive Plan

- Sec. 401.0 Introduction.
- 401.1 Scope.
- 401.2 Concept of the Plan.
- 401.3 Other agencies.
- 401.4 Amendments and revisions.
- 401.5 Review of proposal.
- 401.6 Further action.
- 401.7 Public projects under Article II of the Compact.
- 401.8 Custody and availability.

Subpart B—Water Resources Program

- 401.21 Scope.
- 401.22 Concept of the Program.
- 401.23 Procedure.
- 401.24 Preparation and adoption.
- 401.25 Alternatives for public projects.
- 401.26 Inventory of other projects.

Subpart C—Project Review Under Section 3.8 of the Compact

- 401.31 Scope.
- 401.32 Concept of section 3.8.
- 401.33 Administrative Agreements.
- 401.34 Submission of project required.
- 401.35 Classification of projects for review under section 3.8 of the Compact.
- 401.36 Sequence of approval.
- 401.37 Form of referral by State or federal agency.
- 401.38 Form of submission of projects not requiring prior approval by State or federal agencies.
- 401.39 Preliminary action; informal conference; emergencies.
- 401.40 Hearings.
- 401.41 Objections.
- 401.42 Conduct of hearings.
- 401.43 Findings and report.
- 401.44 Action by the Commission.
- 401.45 Supplementary details.
- 401.46 Expert testimony.
- 401.47 Waiver of rules.
- 401.48 Limitation of approval.

Subpart D—General Provisions

- 401.51 Definitions.
- 401.52 Construction.

AUTHORITY: The provisions of this Part 401 issued under sec. 14.2, Delaware River Basin Compact, 75 Stat. 708.

§ 401.0 Introduction.

(a) The regulations in this part govern the process whereby the Commission will include projects in the Comprehensive Plan and extend them into an annual Water Resources Program. Also set forth herein are the procedures and definitions that the Commission will use in screening projects proposed by others to test their compatibility with the Comprehensive Plan. An interrelationship among these three requirements is apparent in the Delaware River Basin Compact.

(b) Article 13 of the Compact calls for the adoption of the Comprehensive Plan and Water Resources Program. These documents are defined as follows:

(1) Comprehensive Plan: A plan that includes all public and private projects and facilities which are required in the judgment of the Commission for optimum planning, development, conservation, use, management, and control of the water resources of the Delaware Basin to meet present and future needs. The Comprehensive Plan is dynamic and will be periodically revised.

(2) Water Resources Program: An annual presentation, based upon the Comprehensive Plan, of the quantity and

quality of water resources needs of the area to be served during the ensuing six years or for such reasonably foreseeable period as the Commission may determine, balanced by existing and proposed projects required to satisfy such needs, including all public and private projects to be anticipated, together with a separate statement of the projects proposed to be undertaken by the Commission during such period.

(c) To protect the integrity of the Comprehensive Plan and avoid conflicts of jurisdiction, the Compact provides generally, in Article 11, for cooperative planning of all public projects, and more specifically, in section 3.8 of the Compact, confers certain regulatory authority upon the Commission. Section 3.8 provides for a review of water resources projects to determine two matters: First whether the project will have "a substantial effect on the water resources of the basin"; and secondly, whether a project having such an effect would "substantially impair or conflict with the Comprehensive Plan." The basic concept is thus both comprehensive and integrated planning and development.

(d) A project may enter the Comprehensive Plan in the discretion of the Commission whenever the project is ready for such action, both on its own merits and in relation to other projects which are part of the Plan. Subpart A of this part develops the concept of the Comprehensive Plan and the procedure to be followed for inclusion of new projects or modification of existing ones. The Water Resources Program represents a selection of projects by the Commission taken from the Comprehensive Plan. These are projects which the Commission recommends for action during the ensuing six-year period. Procedures that the Commission will follow in developing the Water Resources Program are contained in Subpart B of this part.

(e) The regulatory power of the Commission under section 3.8 of the Compact extends to all public and private projects. However, since the Compact also provides for cooperative planning of public projects (Article 11), a special procedure to accelerate Commission approval of such projects is provided as part of the process of adoption of a Water Resources Program. Under Subpart B and Subpart C of this part, the sponsor of a public project has a choice of routes for Commission approval: where advance approval is necessary or desirable, the sponsor may secure approval through the process of project inclusion in the Water Resources Program; and this is an opportunity that will be available at a specified time each year. Where the sponsor may for any reason prefer the alternate course, the public project may be submitted for review under section 3.8 of the Compact. In brief, approval of a public project as ready for action within the Water Resources Program will have the effect of approval for purposes of section 3.8, but omission of a project from the Water Resources Program will still leave the door open for the project sponsor to proceed under section 3.8. Finally, under the regulations in this

part, private projects are required to proceed under section 3.8.

Subpart A—Comprehensive Plan

§ 401.1 Scope.

This subpart shall govern the submission, consideration, and inclusion of projects into the Comprehensive Plan.

§ 401.2 Concept of the Plan.

(a) The Comprehensive Plan, as required in section 13.1 of the Compact, will provide for the immediate and long-range development and use of the water resources of the basin. The Plan will include all public and private projects and facilities which are required, in the judgment of the Commission, for the optimum planning, development, conservation, use, management, and control of the water resources of the basin, in light of present and foreseeable future needs. It will consist of statements of policy, criteria, and standards, as well as the principal physical projects, objectives, and programs that will be involved in the development of the river basin.

(b) The Plan will be a body of documents expressing a systematic set of policies and programs for the future, and the means for carrying them out. It will be expressed through narrative text, maps, charts, schedules, budgets, and other means.

(c) From time to time specific projects and facilities and programs may be incorporated, deleted, or modified to reflect changing conditions, research results, and new technology. At any given time the degree of detail describing particular projects will vary depending upon the state of their development.

§ 401.3 Other agencies.

For the purposes of avoiding conflicts of jurisdiction and of giving full effect to the Commission as a regional agency of the signatory parties to the Compact, federal, State, and local agencies shall follow the requirements of Article 11 of the Compact.

NOTE: As to Federal agencies, the Compact provides: "No expenditure or commitment shall be made for or on account of the construction, acquisition or operation of any project or facility nor shall it be deemed authorized, unless it shall have first been included by the Commission in the Comprehensive Plan."

As to State and local agencies, the Compact provides: "No expenditure or commitment shall be made for or on account of the construction, acquisition or operation of any project or facility unless it shall have first been included by the Commission in the Comprehensive Plan."

As to federal, State, and local agencies the Compact provides: "The planning of all projects related to powers delegated to the Commission by this Compact shall be undertaken in consultation with the Commission . . . Each . . . agency otherwise authorized by law to plan, design, construct, operate or maintain any project or facility in or for the basin shall continue to have, exercise and discharge such authority except as specifically provided by this section."

§ 401.4 Amendments and revisions.

The Comprehensive Plan will be open, upon application of any interested party, for review and inclusion of new projects

and for deletion or alteration of previously included projects. To this end, the Commission will receive and consider proposals for changes and additions to the Comprehensive Plan which may be submitted by any agency of the signatory parties, or any interested person, organization, or group. Any such proposal shall be submitted in such form as may be required by the Executive Director to facilitate consideration by the Commission, and shall include at least the following information:

(a) Purpose or purposes, including quantitative measures of physical benefits anticipated from the proposal.

(b) Approximate location, dimensions (if a structural project) and land area required.

(c) Draft or description of a proposed standard, policy or other nonstructural measure.

(d) Forecast of the cost (if structural) or effect on the utilization of water resources (if a non-structural measure).

(e) Relation to other parts of the existing Comprehensive Plan.

§ 401.5 Review of proposal.

Following staff study, examination, and review of each proposal, the Commission will take such action on the proposal as may be appropriate, and will hold such public hearings thereon as are required by the Compact.

§ 401.6 Further action.

The Commission will review the Comprehensive Plan in its entirety at least once every six years from the date of the initial adoption of the Comprehensive Plan (Phase I, March 28, 1962). The amendments, additions, and deletions will be compiled and the Plan as so revised will be republished annually.

§ 401.7 Public projects under Article 11 of the Compact.

(a) After a project of any federal, State, or local agency has been included in the Comprehensive Plan, no further action will be required by the Commission or by the agency to satisfy the requirements of Article 11 of the Compact, except as the Comprehensive Plan may be amended or revised pursuant to the Compact and the regulations in this part. Any project which is changed substantially from the project as described in the Comprehensive Plan will be deemed to be a new and different project for the purposes of Article 11 of the Compact. Whenever a change is made the sponsor shall advise the Executive Director who will determine whether the change is deemed substantial within the meaning of the regulations in this part.

(b) Any project not having a substantial effect on the water resources of the basin, as defined in Subpart C of this part, may proceed without reference to Article 11 of the Compact.

§ 401.8 Custody and availability.

The Comprehensive Plan shall be and remain in the custody of the Executive Director. The Plan, including all maps, charts, descriptions and supporting data shall be and remain a public record open to examination during the regular business hours of the Commission, under such

safeguards as the Executive Director may determine to be necessary to preserve and protect the Plan against loss, damage or destruction. Copies of the Comprehensive Plan or any part or parts thereof shall be made available by the Executive Director for public sale at a price covering the cost of production and distribution.

Subpart B—Water Resources Program

§ 401.21 Scope.

This subpart shall govern the submission, consideration and inclusion of projects into the Water Resources Program.

§ 401.22 Concept of the Program.

The Water Resources Program, as defined and described in section 13.2 of the Compact, will be a reasonably detailed amplification of that part of the Comprehensive Plan which the Commission recommends for action within the ensuing six-year period. That part of the Program consisting of a presentation of the water resources needs of the basin will be revised only at such intervals as may be indicated to reflect new findings and conclusions, based upon the Commission's continuing planning programs.

§ 401.23 Procedure.

Each project included in the Water Resources Program shall have been previously included in the Comprehensive Plan, except that a project may be added to both the Plan and the Program by concurrent action of the Commission. The project's sponsor shall furnish the following information prior to the inclusion of the project in the Water Resources Program:

- The Comprehensive Plan data brought up-to-date for the period of the Water Resources Program.
- Specific location and dimension of a structural project, and specific language of a standard, policy or other non-structural proposal.
- The plan of operation of a structural project.
- The specific effects of a non-structural project.
- Sufficient data to indicate a workable financial plan under which the project will be carried out.
- A timetable for implementation.

§ 401.24 Preparation and adoption.

The Water Resources Program will be prepared and considered by the Commission for adoption annually during the month of February. Projects required to satisfy the basin needs during the period covered by the Program may be classified as follows:

A list: This shall include public projects which require no further review, and inclusion in such list shall be deemed to be approval for the purposes of section 3.8 of the Compact;

B list: This shall include public projects not included in the A list and privately sponsored projects which are proposed or anticipated by the Commission.

§ 401.25 Alternatives for public projects.

Any public project which has been included in the Comprehensive Plan but is not on the "A" list of the current Water

Resources Program, at the option of the sponsor, may be submitted for review and approval under section 3.8 of the Compact in accordance with Subpart C of this part.

§ 401.26 Inventory of other projects.

Each Water Resources Program will include, for information purposes only, an inventory of projects approved during the previous year pursuant to section 3.8 of the Compact but which are not part of the Comprehensive Plan or Water Resources Program.

Subpart C—Project Review Under Section 3.8 of the Compact

§ 401.31 Scope.

This subpart shall govern the submission and review of projects under section 3.8 of the Delaware River Basin Compact.

§ 401.32 Concept of section 3.8.

Section 3.8 is intended to protect and preserve the integrity of the Comprehensive Plan. This section of the Compact provides:

No project having a substantial effect on the water resources of the basin shall hereafter be undertaken by any person, corporation or governmental authority unless it shall have been first submitted to and approved by the Commission, subject to the provisions of sections 3.3 and 3.5. The Commission shall approve a project whenever it finds and determines that such project would not substantially impair or conflict with the Comprehensive Plan and may modify and approve as modified, or may disapprove any such project whenever it finds and determines that the project would substantially impair or conflict with such Plan. The Commission shall provide by regulation for the procedure of submission, review and consideration of projects, and for its determinations pursuant to this section. Any determination of the Commission hereunder shall be subject to judicial review in any court of competent jurisdiction.

§ 401.33 Administrative Agreements.

The Executive Director is authorized and directed to enter into cooperative Administrative Agreements with federal and State regulatory agencies concerned with the review of projects under federal or State law as follows:

(a) To facilitate the submission and review of applications and the determinations required under section 3.8 of the Compact;

(b) To avoid unnecessary duplication of staff functions and hearings required by law;

(c) For such other and different purposes as he may deem feasible and advantageous for the administration of the Compact or any other law;

(d) Provided that any such Administrative Agreement shall be effective solely for purposes of intergovernmental cooperation and the failure of any applicant to comply with the provisions of any such agreement shall not prejudice his application or the consideration thereof.

§ 401.34 Submission of project required.

Any project which may have a substantial effect on the water resources of the basin, except as provided in para-

graph (d) of this section, shall be submitted to the Commission for a determination as to whether the project will have a substantial effect on the water resources of the basin and, if so, whether the project impairs or conflicts with the Comprehensive Plan, as follows:

(a) Where the project is subject to review by a State or federal agency which has entered into an Administrative Agreement with the Commission, such project will be referred to the Commission in accordance with the terms of the Administrative Agreement, and appropriate instructions will be prepared and issued by the Executive Director for guidance of project sponsors and applicants.

(b) Where no other State or federal agency has jurisdiction to review and approve a project, or no Administrative Agreement is in force, the project sponsor shall apply directly to the Commission.

(c) Any project proposal, which may have a substantial effect on the water resources of the basin, may be received and reviewed by the staff informally in conference with the project sponsor during the preliminary planning phase to assist the sponsor to develop the project in accordance with the Commission's requirements.

(d) Whenever a project sponsored by one of the signatory parties, or by any agency, political subdivision or public corporation thereof, has been included in the Water Resources Program in the "A List" classification, the project, to the extent of such inclusion and as described in the Program, shall be deemed approved for the purpose of section 3.8 of the Compact.

§ 401.35 Classification of projects for review under section 3.8 of the Compact.

(a) Except as the Commission may specially direct by notice to the project owner or sponsor, or as a State or federal agency may refer under paragraph (c) of this section, a project in any of the following classifications will be deemed not to have a substantial effect on the water resources of the basin and is not required to be submitted under section 3.8 of the Compact:

(1) The construction of new impoundments or the enlargement or removal of existing impoundments, for whatever purpose, when the storage capacity is less than 100 million gallons.

(2) A withdrawal from ground water for any purpose when the daily average gross withdrawal during any calendar month does not exceed 100,000 gallons.

(3) A withdrawal from impoundments or running streams for any purpose when the daily average gross withdrawal during any calendar month does not exceed 100,000 gallons.

(4) The construction of new municipal sewage treatment facilities or alteration or addition to existing municipal sewage treatment facilities when the design capacity of such facilities is less than a daily average rate of 50,000 gallons, and all local sewage collector systems and improvements discharging into authorized trunk sewage systems.

(5) The construction of new facilities or alteration or addition to existing facilities for the direct discharge to surface or ground waters of industrial waste water having design capacity of less than 50,000 gallons per day, except where such waste water contains toxic concentrations of waste materials.

(6) A change in land cover on major ground water infiltration areas when the amount of land that would be altered is less than three square miles.

(7) Deepening, widening, cleaning or dredging existing stream beds or relocating any channel, and the placement of fill or construction of dikes, on streams within the basin except the Delaware River and tidal portions of tributaries thereto, and streams draining more than one state.

(8) Periodic maintenance dredging.

(9) Encroachments on streams within the basin caused by:

(i) Floating docks and anchorages and buoys and navigational aids;

(ii) Temporary construction such as causeways, coffer-dams and falsework required to facilitate construction on permanent structures.

(10) Bridges and highways unless they would pass in or across an existing or proposed reservoir or recreation project area as shown in the Comprehensive Plan.

(11) Liquid petroleum products pipelines and appurtenances designed to operate under pressures less than 150 psi; local electric distribution lines and appurtenances; local communication lines and appurtenances; local natural and manufactured gas distribution lines and appurtenances; local water distribution lines and appurtenances, and local sanitary sewer mains.

(12) Electric transmission or bulk power system lines and appurtenances, major trunk communication lines and appurtenances, natural and manufactured gas transmission lines and appurtenances, major water transmission lines and appurtenances, unless they would pass in, on, under or across an existing or proposed reservoir or recreation project area as shown in the Comprehensive Plan.

(13) Liquid petroleum products pipelines and appurtenances designed to operate under pressures of more than 150 psi, unless they would pass in, on, under or across an existing or proposed reservoir or recreation project area as shown in the Comprehensive Plan, or in, on, under or across any stream within the basin.

(b) All other projects which have or may have a substantial effect on the water resources of the basin shall be submitted to the Commission in accordance with these regulations for determination as to whether the project will have a substantial effect on the water resources of the basin and, if so, whether the project impairs or conflicts with the Comprehensive Plan. Among these are projects involving the following (except as provided in paragraph (a) of this section):

(1) Impoundment of water.

(2) Withdrawal of ground water.

(3) Withdrawal of water from impoundment or streams.

(4) Diversion of water into or out of the basin.

(5) Deepening or widening of existing stream beds, channels, anchorages, harbors or turning basins, or the construction of new or enlarged channels, anchorages, harbors or turning basins, or the dredging of the bed of any stream or lake and disposal of the dredged spoil, when the nature or location of the project would affect the quantity or quality of ground or surface waters, or fish and wildlife habitat.

(6) Discharge of pollutants into waters of the basin.

(7) Facilities designed to intercept and transport sewage to a common point of discharge; and pipelines and electric power and communication lines.

(8) Facilities for the direct discharge to surface or ground waters of industrial waste water.

(9) Stream encroachments.

(10) Change in land cover on major ground water infiltration areas.

(11) Hydroelectric power projects, including pumped storage projects.

(12) Projects or facilities of federal, state and local agencies such as highways, buildings and other public works and improvements, affecting the water and related land resources of the basin.

(c) Whenever a State or federal agency determines that a project falling within an excluded classification (as defined in paragraph (a) of this section) may have a substantial effect on the water resources of the basin, such project may be referred by the State or federal agency to the Commission for action under the rules in this part.

§ 401.36 Sequence of approval.

A project will be considered by the Commission under section 3.8 of the Compact either before or after any other State or federal review, in accordance with the provisions of the Administrative Agreement applicable to such project.

§ 401.37 Form of referral by State or federal agency.

Upon approval by any State or federal agency of any project reviewable by the Commission under this part, if the project has not prior thereto been reviewed and approved by the Commission, such agency shall refer the project for review under section 3.8 of the Compact in such form and manner as shall be provided by Administrative Agreement.

§ 401.38 Form of submission of projects not requiring prior approval by State or federal agencies.

Where a project does not require approval by any other State or federal agency, or where such approval is required but an Administrative Agreement is not in force, the project shall be submitted directly to the Commission for review and determination of compatibility with the Comprehensive Plan, in such form of application, with such supporting documentation, as the Executive Director may reasonably require for the administration of the provisions of the Compact. These shall include without limitation thereto:

(a) *Exhibits to accompany application.* The application shall be accompanied by the following exhibits: (1) Abstract of proceedings authorizing project, where applicable; (2) general map showing specific location and dimension of a structural project, or specific language of a standard or policy in the case of a non-structural proposal; (3) section of the United States Geological Survey topographic map showing the territory and watershed affected; (4) maps, drawings, specifications and profiles of any proposed structures, or a description of the specific effects of a non-structural project; (5) written report of the applicant's engineer showing the proposed plan of operation of a structural project; (6) map of any lands to be acquired or occupied; (7) estimate of the cost of completing the proposed project, and sufficient data to indicate a workable financial plan under which the project will be carried out.

(b) *Letter of transmittal.* The application shall be accompanied by a letter of transmittal in which the applicant shall include a list of all enclosures, the names and addresses to which communications may be directed to the applicant, and the names and addresses of the applicant's engineer and counsel, if any.

(c) *Number of copies.* Unless otherwise ordered by the Commission, two copies of the application and accompanying papers shall be filed. If an application is contested, the Commission may require additional copies of the application and all accompanying papers to be furnished by the applicant. In such cases, certified copies or photographic prints or reproductions may be used.

§ 401.39 Preliminary action; informal conference; emergencies.

(a) Whenever the Executive Director shall deem necessary, or upon request of the applicant, an informal conference may be scheduled to explain, supplement or review an application.

(b) In the event of an emergency requiring immediate action to protect the public interest or to avoid substantial and irreparable injury to any private person or property, and the circumstances do not permit a review, hearing and determination in the regular course of these regulations, the Executive Director with the approval of the Chairman of the Commission may issue an emergency certificate authorizing an applicant to take such action as the Executive Director may deem necessary and proper in the circumstances, pending review, hearing and determination by the Commission as otherwise required in this part.

§ 401.40 Hearings.

(a) The Executive Director may, and whenever any substantial objection is filed pursuant to this section shall, cause a hearing to be scheduled upon an application received under § 401.38. He may, and at the request of the applicant shall, cause a hearing to be scheduled as to any application referred under § 401.37. Notice of the intention of the Commission to act upon an application received pursuant to § 401.38, or upon

a request for a hearing with regard to an application received pursuant to § 401.37, shall be published by the Executive Director in one or more newspapers of general circulation in the area affected, at least once a week for two successive weeks, which publications shall not be less than seven nor more than twenty-one days prior to the date on which action is proposed to be taken. Such notice shall direct any person objecting to the application to file his objection with the Commission not later than two days before the scheduled date of action. If the Executive Director determines that any filed objection is substantial, he shall defer consideration by the Commission, furnish a copy of each such objection to the applicant, and schedule a hearing on the application to be held not less than ten nor more than thirty days after the last day for filing objections. Notice of the hearing shall be served forthwith by certified mail upon the applicant and each person filing a substantial objection. Proof of such publication and of service of notice shall be filed with the Commission on or before the date for which the hearing is scheduled.

(b) The application and supporting documents, maps and data, as filed or amended shall be open to inspection by any interested person prior to the hearing.

§ 401.41 Objections.

Every objection filed pursuant to § 401.40 shall be in writing and shall particularly specify the ground thereof. Amendments to the objections may be permitted by the Commission. All objections and supporting documents shall be filed in duplicate in such form as the Director may prescribe. No person may be heard in opposition to an application except on objections so filed.

§ 401.42 Conduct of hearings.

(a) Hearings shall be conducted by the Executive Director or by such member of the Commission staff as he may designate, or by the Commission itself. The Executive Director shall cause the schedule for each hearing day to be listed in advance upon a "hearing docket" which shall be posted in public view at the office of the Commission.

(b) The officer conducting the hearing shall cause each witness to be sworn, and shall hear the applicant, the objectors, reply by the applicant, in that order. Cross-examination of witnesses shall be permitted.

(c) The applicant may appear and be heard in person or be represented by attorney at law or, if the applicant is a corporation, by one of its corporate officers, an authorized employee, or by attorney at law.

(d) Briefs may be permitted or required by the hearing officer.

(e) A record of each hearing will be made by a stenographer designated by the Executive Director. Two copies of the transcript of the hearing will be delivered to the Commission. The stenographer may furnish to an applicant, ob-

jector, or other person, copies of the transcript at such price as may be agreed upon by the stenographer and person desiring the transcript.

(f) The expense directly attributable to the hearing will be certified by the Commission to the applicant and shall be paid by applicant within thirty days thereafter, in accordance with the certificate of the Commission, except that there shall be no charge to a signatory party or to any public corporation, agency or instrumentality.

§ 401.43 Findings and report.

The hearing officer shall prepare a report of his findings, which shall be served by certified mail upon the applicant and upon each objector complying with the provisions of § 401.41 unless all of them have waived service of the report. The applicant and any such objector may file objections within twenty days after the service upon him of a copy of the report. A brief shall be filed together with any objections. The report of the hearing officer together with objections and briefs shall be promptly submitted to the Commission. The Commission may require or permit oral argument upon such submission.

§ 401.44 Action by the Commission.

After all presentations and hearings, the Commission will act upon the application pursuant to law. The determination of the Commission will be in writing and will be filed together with all plans, maps, exhibits and other papers, records or documents relating to the application. All such records, papers and documents may be examined by any person at the office of the Commission, and shall not be removed therefrom except temporarily upon the written order of the Secretary after the filing of a receipt therefor in form prescribed by the Secretary. Copies of any such records and papers may be made in the office of the Commission by any person, subject to such reasonable safeguards for the protection of the records as the Executive Director may require.

§ 401.45 Supplementary details.

Forms, procedures and supplementary information, to effectuate these regulations, may be provided or required by the Executive Director as to any project or class of projects.

§ 401.46 Expert testimony.

The testimony of an expert witness may be submitted and made part of the record at the hearing whether or not the expert is present, provided that such testimony is reduced to writing, sworn, and copies thereof distributed to all parties of record at least five days prior to the hearing, and provided that such testimony shall not be admitted whenever the expert is not present and available for cross examination at the hearing unless all parties waive the right of cross examination.

§ 401.47 Waiver of rules.

The Commission may, for good cause shown, waive rules or require additional information in any case.

§ 401.48 Limitation of approval.

Approval by the Commission under this part shall expire three years from the date of Commission action unless prior thereto the sponsor has expended substantial funds (in relation to the cost of the project) in reliance upon such approval. An approval may be extended or renewed by the Commission upon application.

Subpart D—General Provisions

§ 401.51 Definitions.

For the purposes of this part, except as the context may otherwise require:

(a) All words and phrases which are defined by section 1.2 of the Compact shall have the same meaning herein.

(b) Words and phrases which are defined by Part I of the Administrative Manual (Section 1-3) shall have the same meaning for the purposes of this Part 401.

(c) "Application" shall mean a request for action by the Commission in any written form, including without limitation thereto, a letter, referral by any agency of a signatory party, or an official form prescribed by the Commission; provided that whenever an official form of application has been duly required, an application shall not be deemed to be pending before the Commission until such time as such form, together with the information required thereby, has been completed and filed.

(d) "Applicant" shall mean any sponsor or other person who has submitted an application to the Commission.

(e) "Sponsor" shall mean any person authorized to initiate, construct or administer a project.

§ 401.52 Construction.

This part is promulgated pursuant to section 14.2 of the Compact and shall be construed and applied subject to all of the terms and conditions of the Compact and of the provisions of section 15.1 of Public Law 87-328, 75 Stat. 688.

Effective date. This part shall take effect immediately upon publication and filing pursuant to law.

[F.R. Doc. 64-2709; Filed, Mar. 19, 1964; 8:47 a.m.]

Title 27—INTOXICATING LIQUORS

Chapter I—Internal Revenue Service, Department of the Treasury

PART 7—LABELING AND ADVERTISING OF MALT BEVERAGES

Labeling of Malt Beverages Reconstituted From Beer Concentrate; Correction

Treasury Decision No. 6672 (27 CFR Part 7) published at 28 F.R. 9637 is corrected by changing the parenthetical reference in 27 CFR 7.24(f) "other than names found by the Director under Paragraph (f) of this section to have become generic" to "other than names found by

the Director under paragraph (g) of this section to have become generic".

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: March 14, 1964.

STANLEY S. SURREY,
Assistant Secretary of the
Treasury.

[F.R. Doc. 64-2705; Filed, Mar. 19, 1964;
8:47 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter III—Coast and Geodetic Survey, Department of Commerce

PART 303—CHARGES FOR CERTIFY- ING, SEARCHING, AND COPYING SERVICES

Insofar as the Administrative Procedures Act may be applicable: Because of the nature of this notice, I find, for good cause shown, that it would be impracticable and unnecessary, and no good reason would be served to give preliminary notice, engage in public rule-making procedure, or postpone the effective date thereof.

Part 303 of Chapter III, Title 33, is revised as follows:

- Sec.
303.1 Certification and validation.
303.2 Litigation copies of out-of-print charts.
303.3 Copies of geodetic control data.
303.4 Reproductions of geomagnetism records.
303.5 Reproductions of oceanographic records.
303.6 Reproductions of surveys.
303.7 Reproductions of maps.
303.8 Aerial photographic reproductions.
303.9 Reproductions of seismology records.
303.10 Mailing costs.
303.11 Special items or services.
303.12 Prices.

AUTHORITY: The provisions of this Part 303 issued under sec. 501, 65 Stat. 290; 5 U.S.C. 140.

§ 303.1 Certification and validation.

Certification and validation of reports, documents, maps, charts, photographs, etc., with or without the Department of Commerce Seal—50 cents each.

§ 303.2 Litigation copies of out-of-print charts.

Charges for litigation copies of out-of-print charts (charge for certification is extra):

	Price for the first copy	Price for each additional copy of the same item
Bromide print.....	\$7.50	\$5.00

§ 303.3 Copies of geodetic control data.

Charges for copies of geodetic control data:

Diagrams—(regardless of size or area covered)..... ea. \$0.50

Data Sheets—4 types as follows.. ea. \$0.06

Geographic position sheets.

Plane coordinate sheets.

Quadrangle format by sheets (furnished only in unassembled sheets when request is for a few stations by name or station number or when sent, as supplements, to subscribers to automatic mailing service).

Unadjusted data sheets.

Booklets—(assembled data)—5 types as follows:

Vertical control (state numbered lines).

Horizontal control description booklets.

Quadrangles (horizontal control).

Quadrangles (vertical control).

CWA (C&GS and state survey data available for limited areas on specific request).

3 sheets or less, per booklet..... \$0.06

4 to 15 sheets, per booklet..... .25

16 to 32 sheets, per booklet..... 1.00

33 to 50 sheets, per booklet..... 2.00

51 or more sheets, per booklet..... 3.00

Complete data coverage by states—(Note: Prices do not include diagrams or new unpublished data):

State	Horizontal control	Vertical control
Alabama.....	\$25.00	\$30.00
Alaska.....	(***)	5.00
Arizona.....	50.00	(*)
Arkansas.....	(*)	16.00
California.....	(*)	**114.00
Colorado.....	(*)	21.00
Connecticut.....	27.00	2.00
Delaware.....	10.00	2.00
District of Columbia.....	14.00	2.00
Florida.....	95.00	24.00
Georgia.....	30.00	(*)
Hawaii.....	15.00	.50
Idaho.....	40.00	28.00
Illinois.....	**64.00	**29.00
Indiana.....	**77.00	**39.00
Iowa.....	(*)	**23.00
Kansas.....	(*)	13.00
Kentucky.....	**56.00	**41.00
Louisiana.....	46.00	16.00
Maine.....	48.00	8.00
Maryland.....	70.00	13.00
Massachusetts.....	73.00	3.00
Michigan.....	**42.00	**21.00
Minnesota.....	(*)	(*)
Mississippi.....	41.00	16.00
Missouri.....	(*)	**25.00
Montana.....	**30.00	(*)
Nebraska.....	(*)	22.00
Nevada.....	50.00	20.00
New Hampshire.....	13.00	3.00
New Jersey.....	53.00	6.00
New Mexico.....	(*)	15.00
New York.....	99.00	21.00

See footnotes at end of table.

Form of record	Copies available	Unit cost	Group cost	Minimum charge
Film:				
35 mm.....	35-mm film (contact prints, rapid-run magnetograms, or standard magnetograms).	\$0.13/ft.....		\$4.00 (ea. roll).
	Continuous paper-positive photos in strip form (35-mm film, rapid-run magnetograms or standard magnetograms).	.10/ft.....		15.00 (ea. roll).
	Paper prints of individual frames of rapid-run or standard magnetograms.	.50 ea.		1.00
	Paper prints of individual frames of hourly scalings.	.40 ea.		1.00
	Photostats:			
Paper:				
Rapid-run magnetograms.....	Full size.....	1.50 ea.	37.00/mo.	1.50
	Half size.....	.25 ea.	6.00/mo.	1.00
	Positive photostats:			
	Full size.....	3.00 ea.	71.00/mo.	3.00
Standard magnetograms.....	Photostats:			
	Full size.....	.80	18.50/mo.	1.00
	Half size.....	.20	4.50/mo.	1.00
	Positive Photostats:			
	Full size.....	1.50	35.50/mo.	1.50
	Photostats:			
	Full size.....	.40	3.00/mo.	1.00
	Half size.....	.10	1.00/mo.	1.00
Hourly scalings (each sheet 8 x 10 1/4 inches, contains scalings for 3 days, 3 elements).				
Varlograms:				
(Askania 12 x 68 1/4 cm).....	Photostats:			
	Full size.....	.50	12.50/mo.	1.00
	Half size.....	.13	3.00/mo.	1.00
K-Indices.....	Photostats.....	1.50/4 mos.		
Quarterly storm reports.....	Photostats.....			

Prices for a particular quarter are available upon request.

State	Horizontal control	Vertical control
North Carolina.....	(*)	(*)
North Dakota.....	**\$32.00	(*)
Ohio.....	**\$38.00	**\$38.00
Oklahoma.....	(*)	9.00
Oregon.....	100.00	21.00
Pennsylvania.....	49.00	22.00
Puerto Rico.....	16.00	No control
Rhode Island.....	14.00	1.00
South Carolina.....	31.00	12.00
South Dakota.....	(*)	(*)
Tennessee.....	**56.00	**32.00
Texas.....	136.00	82.00
Utah.....	(*)	9.00
Vermont.....	9.00	2.00
Virginia.....	88.00	32.00
Washington.....	156.00	24.00
West Virginia.....	(*)	(*)
Wisconsin.....	(*)	(*)
Wyoming.....	**17.00	13.00

*Current price will be furnished upon request.

**Conversion of data to quadrangle units is complete.

***Unclassified horizontal control data for Alaska are available as follows:

1° x 1° quadrangles, sold at the booklet rates listed above. These supply all data, except descriptions and azimuths and distances, for which volume and page references are included.

Description booklets, sold at the booklet rates listed above.

Old format geographic position sheets (including azimuths and distances), 6 cents each.

Unadjusted data sheets, 6 cents each.

Data are being converted to quadrangle units which are sold at the booklet rates listed above. Limiting purchases of data in the old format to immediate requirements is suggested to minimize duplication when purchasing data in the new quadrangle format.

Minimum charges:

Minimum charge per order, except automatic mailing list shipments.. \$1.00

Automatic Mailing List—special service charge per shipment (additional to the subscription price)..... .25

Special subscription service:

Special subscriptions to an automatic mailing service for new and revised data are available. Details concerning this service are available on request.

§ 303.4 Reproductions of geomagnetism records.

Charges for reproductions of geomagnetism records:

§ 303.5 Reproductions of oceanographic records.

Charge for reproductions of oceanographic records:

	Price for the first copy per station month	Price for each additional copy of the same item per station month	Price for the first copy per station year	Price for each additional copy of the same item per station year
Tide predictions.....			\$5.00	\$0.25
Tidal current predictions.....			7.50	.50
High- and low-water observations.....	\$0.50	\$0.10	4.50	1.00
Hourly height observations.....	.50	.20	6.00	1.50
Sea water temperature and density.....	.50	.10	4.50	1.00

§ 303.6 Reproductions of surveys.

Charges for reproductions of surveys:

	Price for the first copy	Price for each additional copy of the same item
Ozolid prints of shoreline surveys.....	\$2.00	\$1.00
Bromide prints of hydrographic survey sheets.....	8.50	5.00
Film positive, up to 42" x 70", of a hydrographic survey or shoreline survey.....	15.00	10.50

Photostats of portions of hydrographic survey sheets, up to 18" x 24": Each—\$8.00 for negative, \$9.00 for positive, and \$1.00 for each additional positive from same negative.

RATIO PRINTS

Ratio	Approximate size	1 to 5 prints	6 to 100 prints	Over 100 prints
2 times.....	18" x 18"	\$2.20 ea.	\$1.90 ea.	\$1.70 ea.
3 times.....	27" x 27"	2.60 ea.	2.30 ea.	2.10 ea.
4 times.....	36" x 36"	5.60 ea.	4.70 ea.	4.00 ea.
Selected parts of negatives (any size up to 36" square).....		5.60 ea.	4.70 ea.	4.00 ea.

Film positives: 1 to 100, \$2.50 each; over 100, \$2.00 each.

Copy negatives: 1 to 100, \$5.00 each; over 100, \$4.00 each.

Contact diapositives: 1 to 5, \$5.50 each; 6 to 100, \$5.00 each; over 100, \$4.50 each.

Infrared: Prices of contact prints and enlargements are the same as for panchromatic photography.

Color: Printon contact prints and positive transparencies of selected areas: \$3.00 each. Enlargements are not available.

NINE-LENS AERIAL PHOTOGRAPHS

Fourteen dollars each; additional copies from the same negative, \$7.00 each, if requested with the original order.

§ 303.9 Reproductions of seismology records.

Charges for reproductions of seismology records:

SEISMOGRAMS

Item	Price
Contact prints from 70-mm roll.....	\$0.03/copy
Contact prints from 35-mm roll.....	.008/copy
Chip-to-roll contact prints.....	.03/chip
Chip-to-full-size paper copy.....	.32/chip

§ 303.10 Mailing costs.

Shipment by first-class mail or parcel post is prepaid. Shipment by express, airmail, or involving any special handling will be paid by purchaser.

§ 303.11 Special items or services.

Charges for special items or services not included in this part will be based on

§ 303.7 Reproductions of maps.

Charges for reproductions of maps.

	Price for the first copy	Price for each additional copy of the same item
Ozolid prints of planimetric maps.....	\$2.00	\$1.00
Film positive, up to 42" x 70", of a planimetric map.....	15.00	10.50

§ 303.8 Aerial photographic reproductions.

Charges for aerial photographic reproductions: Ozolid prints of photo index sheets: 50 cents each.

SINGLE-LENS AERIAL PHOTOGRAPHS**PANCHROMATIC**

Contact prints, 9" x 9": 1 to 5, \$1.00 each; 6 to 100, 85 cents each; 101 to 1,000, 65 cents each; over 1,000, 60 cents each.

labor, material, reproduction, handling, mailing, and overhead costs.

§ 303.12 Prices.

All prices in this part are based on a single order and are not to be considered subscription prices.

The effective date of this revision is April 1, 1964.

H. ARNOLD KARO,
Rear Admiral, United States
Coast and Geodetic Survey,
Director.

[F.R. Doc. 64-2600; Filed, Mar. 19, 1964; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS**Chapter 2—Federal Aviation Agency****PART 2-1—GENERAL****PART 2-12—LABOR****Miscellaneous Amendments**

This chapter is supplemented and revised as follows:

Subpart 2-1.3—General Policies**Sec.**

- 2-1.310-6 Determination of responsibility.
2-1.310-10 Performance records.
2-1.310-50 Master file.

AUTHORITY: The provisions of this Subpart 2-1.3, issued under secs. 303, 313, 72 Stat. 747, 752; 49 U.S.C. 1344, 1354.

Subpart 2-1.3—General Policies**§ 2-1.310-6 Determination of responsibility.**

(a) In every case where the procurement exceeds \$10,000, the contracting officer shall prepare, in duplicate, a positive statement of the facts on which the determination of responsibility is based. One copy shall be placed in the contract file and the remaining copy shall be forwarded to the Procurement Service Branch, IM-290 for inclusion in the Agency master file of vendor information. This statement should be accompanied by any supporting data such as pre-award on-site evaluation reports.

(b) A partial list of the factors which should be applied in pre-award evaluation is given below. The nature of the supply or service to be procured and the type and amount of contract may be considered in applying these factors:

- (1) Management and personnel;
- (2) Technical capability;
- (3) Production capability;
- (4) Physical plant and public utilities;
- (5) Facilities and equipment (including production, packaging, inspection, testing shipping, and transportation);
- (6) Performance record on prior and current Government contracts;
- (7) Quality assurance program and procedures;
- (8) Cost estimating and accounting system;
- (9) Purchasing system (make or buy program);
- (10) Financial capability;
- (11) Security clearance and plant protection;
- (12) Nondiscrimination policy;
- (13) Subcontracting policy;
- (14) Property and inventory control;
- (15) Ability to meet delivery schedule or performance date;

Contracting officers are required by law to award contracts only to responsible prospective contractors.

§ 2-1.310-10 Performance records.

(a) Contractor performance evaluation. Upon completion or termination of each contract exceeding \$10,000 in value, a Contractor Performance Evaluation Form, FAA Form 3458 will be completed. The primary objective for evaluating and recording a contractor's performance is to provide a basis for determining the responsibility of the contractor in the award of future contracts.

(b) Source of information. The form shall be prepared by the contract specialist with the most intimate knowledge of the contractor's performance and it shall be approved by the contracting officer. Information in the contract files, as well as personal knowledge of the contractor's performance by the contract specialist, project manager, inspector or other cognizant personnel should provide the basis for ratings. To assure equitable treatment for all contractors the form must be prepared factually and impartially. It should be clearly ascertained that delay in delivery or performance is the contractor's fault before charging him with responsibility for such delay. It is essential that the contract specialist avail himself of all pertinent information before determining the appropriate ratings.

(c) *Rating instructions.* It is important that the ratings of "outstanding", "satisfactory", "unsatisfactory", assigned to contractors for the various items accurately portray the contractor's performance, as they will be considered in determining the contractor's responsibility for future awards. When a "satisfactory" rating is assigned to an item, no additional information is required to support the rating. When either an "outstanding" or "unsatisfactory" rating is assigned to an item, the reasons for such a rating must be included in the space provided.

(1) *Application of adjective ratings.* A contractor shall be rated "satisfactory" on the various items unless his performance is clearly above or below contractual requirements or general business practices in which case the rating of "outstanding" and "unsatisfactory", respectively, would apply. Below are examples of instances where the various adjective ratings might be appropriate. These examples are provided solely for the purpose of achieving a degree of uniformity as to the interpretation of the adjective ratings and they do not include all matters which should be considered in rating each factor.

(i) Quality of end products or services.

(a) Outstanding—Contractor provides a product or services of a quality above the contractual requirements, or on his own initiative, recommends ways and means of improving specifications with the result that a better end item is produced.

(b) Unsatisfactory—Contractor is held in default for failure to furnish an acceptable product, or contractor had to repeatedly take corrective action to produce an acceptable product.

(ii) Timeliness of performance.

(a) Outstanding—Contractor delivers or performs substantially before the contract due date either on his own initiative or by request of the contracting officer; or contractor accepts a tight delivery schedule and performs on time.

(b) Unsatisfactory—Contractor is substantially late due to his own deficiencies in performing his contract or fails to perform the contract and is held in default.

(iii) Compliance with clauses.

(a) Outstanding—Contractor maintained an active and effective subcontracting program which provided maximum assistance to small business concerns and concerns located in labor surplus areas.

(b) Unsatisfactory—Contractor fails to comply with labor laws, nondiscrimination provisions, etc.; and it was necessary for the contracting officer to repeatedly instruct him to comply.

(iv) Cost contract management (applicable to cost-type contracts only).

(a) Outstanding—Contractor has demonstrated ability to control costs for highly complex work under cost contracts, or contractor was extremely efficient in managing Government-furnished property and Government-owned facilities.

(b) Unsatisfactory—Contractor failed to properly manage contract resulting in substantial cost overruns, or he was careless in managing Government-owned property and facilities.

(v) General business conduct.

(a) Outstanding—Contractor maintained an effective line of communication with the contracting officer concerning progression of the contract, and anticipated delays; or demonstrated unusual perseverance and integrity in discharging his contractual responsibilities.

(b) Unsatisfactory—Contractor ignored instructions of the contracting officer to take corrective actions to comply with contract, failed to respond to communications, or in any way failed to demonstrate integrity in the conduct of his business dealings with the Government.

(d) *Distribution and use of completed forms.* The form shall be prepared in duplicate. One copy shall be inserted in the contract file while the other copy shall be forwarded to the Procurement Service Branch, IM-290 for inclusion in the Agency master file.

§ 2-1.310-50 Master file.

(a) The Procurement Service Branch (IM-290) of the headquarters Procurement Division will compile and maintain a file on prospective suppliers to assist contracting officers in determining the responsibility of contractors. The file will contain copies of the following data:

(1) Contractor Performance Evaluation, FAA Form 3458.

(2) Determinations of contractor responsibility (including Dun & Bradstreet reports and other supporting data). (See § 2-1.310-6.)

(3) Debarment or ineligibility information.

(b) The information in these files will be available for use by all procurement offices throughout the Agency. Quarterly, the Procurement Service Branch will prepare and distribute to all procurement offices a listing of all firms on which there has been accumulated substantial information. Subsequently, if a contracting officer is in the process of making a determination as to the responsibility of a prospective contractor, whose name appears on the list, he shall secure the file from the above Branch. In the case of field requests, the contents of the file may be reproduced and forwarded if deemed more practical than lending the file.

Part 2-12 of the Federal Aviation Procurement Regulations published in the FEDERAL REGISTER on December 13, 1961 (26 F.R. 11904) is hereby cancelled in its entirety.

Effective date. These regulations are effective April 6, 1964.

Dated: March 13, 1964.

JOHN E. PERNICE,
Chief, Procurement Division,
Installation & Materiel Service.

[F.R. Doc. 64-2694; Filed, Mar. 19, 1964;
8:46 a.m.]

Chapter 50—Division of Public Contracts, Department of Labor

PART 50-202—MINIMUM WAGE DETERMINATIONS

Adjustment to Wage Increases Under the Fair Labor Standards Act

On July 23, 1963, notice was filed for publication in the FEDERAL REGISTER (28 F.R. 7513) of a proposal to make a final prevailing minimum wage determination under section 1(b) of the Walsh-Healey Public Contracts Act (41 U.S.C. 35(b)) for effect as to all contracts subject to the Public Contracts Act, bids for which are invited, offers for which are solicited, or negotiations otherwise commenced on or after September 3, 1963, that the prevailing minimum wage is \$1.25 per hour in all those groups of industries currently operating in each locality in which the materials, articles, or equipment are to be manufactured or furnished under such contracts, except those particular or similar industries for which minimum wage determinations higher than \$1.25 per hour will have been made.

The notice of proposed determination took official notice, as provided in section 7(d) of the Administrative Procedure Act, of all of the facts prerequisite to the determination it proposed.

Persons adversely affected or aggrieved by the proposal were given an opportunity to appear at a hearing, and to make a showing contrary to the facts officially noticed (28 F.R. 12625).

A representative of the American Federation of Labor and Congress of Industrial Organizations appeared in support of the proposal. No one appeared in opposition.

Accordingly, pursuant to sections 1, 4, and 10 of the Walsh-Healey Public Contracts Act (49 Stat. 2036, 2038, 66 Stat. 308; 41 U.S.C. 35, 38, 43a), 41 CFR Part 50-202 is hereby amended in the manner indicated below.

The determination hereby made will not affect in any way proceedings which are currently pending to make determinations for particular or similar industries.

This revision shall become effective immediately. Good cause is hereby found for not providing further delay. The \$1.25 minimum wage hereby determined will not have any substantial application beyond the employers and employees affected by that portion of the Fair Labor Standards Act of 1938 which, as amended by the Fair Labor Standards Amendments of 1961, requires payment of a minimum wage of \$1.25 an hour.

1. Section 50-202.2 is amended to read as follows:

§ 50-202.2 Minimum wage in all industries except to the extent to which a higher minimum wage is provided in Subpart C.

In all industries, except to the extent to which a higher minimum wage is provided in Subpart C, the minimum wage payable to employees described in § 50-201.102 of this chapter shall be not less than \$1.25 per hour.

§ 50-202.4 [Deleted]

2. Section 50-202.4, entitled "Iron and steel industry", is deleted.

§ 50-202.8 [Deleted]

3. Section 50-202.8, entitled "Small arms ammunition, explosives and related products industry", is deleted.

4. Paragraph (c) of 41 CFR 50-202.11 is amended to read as follows:

§ 50-202.11 Chemical and related products industry.

(c) *Tolerances.* In the bone black, carbon black, and lamp black branch of the chemical and related products industry, beginners may be employed for 320 hours at wages of not less than \$1.35 an hour.

§ 50-202.12 [Deleted]

5. Section 50-202.12, entitled "Woolen and worsted industry", is deleted.

§ 50-202.13 [Deleted]

6. Section 50-202.13, entitled "Surgical instruments and apparatus industry", is deleted.

7. Subparagraph (4) of paragraph (b) of 41 CFR 50-202.23 is amended to read as follows, and 41 CFR 50-202.23(c)(1)(iv) is deleted.

§ 50-202.23 Paper and paperboard containers and packaging products industry.

(b) *Minimum wages.* * * *

(4) The minimum wage for persons employed in the manufacture or furnish-

ing of products of the wrapping products branch of the paper and paperboard containers and packaging products industry as defined in subdivision (a)(2)(iii) of this section shall be not less than the minimum wage prescribed in § 50-202.2.

§ 50-204.24 [Deleted]

8. Section 50-202.24, entitled "Electronic component parts industry", is deleted.

9. Paragraph (b) of § 50-202.33 is amended by deleting the words "persons employed" where they inadvertently appear before the words "engaged exclusively". As amended, this paragraph reads as follows:

§ 50-202.33 Conveyors and conveying equipment industry.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of the products of the conveyors and conveying equipment industry, except those engaged exclusively in the installation of such products, shall be not less than \$1.70 an hour.

(Secs. 1, 4, 49 Stat. 2036, 2038, 66 Stat. 308; 41 U.S.C. 35, 38, 43a)

Signed at Washington, D.C., this 13th day of March 1964.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 64-2701; Filed, Mar. 19, 1964; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Earnings and Profits of Controlled Foreign Corporations

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington, D.C., 20224, within the period of 30 days from the date of publication of this notice in the *FEDERAL REGISTER*. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the *FEDERAL REGISTER*. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

BERTRAND M. HARDING,
Acting Commissioner
of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) to section 964(a) of the Internal Revenue Code of 1954, as added by section 12(a) of the Revenue Act of 1962 (76 Stat. 1006), such regulations are amended to include the following new section:

§ 1.964-1 Determination of the earnings and profits of a foreign corporation.

(a) *In general.* For purposes of sections 951 through 964, the earnings and profits (or deficit in earnings and profits) of a foreign corporation for its taxable year shall, except as provided in paragraph (f) of this section, be computed substantially as if such corporation were a domestic corporation by—

(1) Preparing a profit and loss statement with respect to such year from the books of account regularly maintained by the corporation for the purpose of accounting to its shareholders;

(2) Making the adjustments necessary to conform such statement to the accounting principles described in paragraph (b) of this section;

(3) Translating the amounts shown on such adjusted statement into United States dollars in accordance with paragraph (c) of this section;

(4) Making the further adjustments necessary to conform such translated statement to the tax accounting standards described in paragraph (d) of this section; and

(5) Adjusting the amount of profit or loss shown on such translated and adjusted statement in accordance with paragraph (e) of this section to reflect any exchange gain or loss determined thereunder.

(b) *Accounting adjustments.*—(1) *In general.* The accounting principles to be applied in making the adjustments required by paragraph (a) (2) of this section shall be those accounting principles generally accepted in the United States for purposes of consolidating the operations of foreign affiliates, including the following:

(i) *Clear reflection of income.* Any accounting practice designed for purposes other than the clear reflection on a current basis of income and expense for the taxable year shall not be given effect. For example, any practice which introduces an excessive level of conservatism into the profit and loss statement shall not be used to reduce the net income which otherwise would be shown on such statement.

(ii) *Physical assets, depreciation, etc.* All physical assets (as defined in paragraph (e) (5) (ii) of this section), including inventory when not written down to market value, shall be taken into account at historical cost. The historical cost of such an asset shall not reflect any appreciation or depreciation in its value or in the relative value of the currency in which its cost was incurred. Depreciation, depletion, and amortization allowances shall be based on the historical cost of the underlying asset and no effect shall be given to any such allowance determined on the basis of a factor other than historical cost. For special rule for determining historical cost of an asset acquired during a taxable year beginning before January 1, 1950, see subparagraph (3) of this paragraph. For the definition of market value, see paragraph (a) of § 1.471-4.

(iii) *Valuation of assets and liabilities.* Any accounting practice which results in the systematic undervaluation of assets or overvaluation of liabilities shall not be given effect, even though expressly permitted or required under foreign law, except to the extent allowable under paragraph (d) of this section.

(iv) *Income equalization.* Income and expense shall be taken into account without regard to equalization over more than one accounting period; and any equalization reserve or similar provision affecting income or expense shall not be given effect, even though expressly permitted or required under foreign law,

except to the extent allowable under paragraph (d) of this section.

(v) *Foreign currency.* Transactions effected in a foreign currency other than that in which the books of the corporation are kept shall be translated into the foreign currency reflected in the books in a manner substantially similar to that prescribed by paragraph (c) of this section for the translation of foreign currency amounts into United States dollars.

(2) *Adjustment must be material.* No adjustment shall be made pursuant to subparagraph (1) of this paragraph unless it is material. Whether an adjustment is material depends on the facts and circumstances of the particular case, including the amount of the adjustment, its size relative to the general level of the corporation's total assets and annual profit or loss, the consistency with which the unacceptable practice has been applied, and whether the item to which the adjustment relates is of a recurring nature.

(3) *Historical cost.* For purposes of this section, the historical cost of an asset acquired by the foreign corporation during a taxable year beginning before January 1, 1950, shall be determined, if it is so elected by or on behalf of such corporation, as though the asset were purchased on January 1, 1950, at a cost equal to the amount (reduced by the depreciation reserve) representing that asset as of that date on the books of account of the corporation regularly maintained for the purpose of accounting to its shareholders. The election under this subparagraph shall be made for the first taxable year beginning after December 31, 1962, in which the foreign corporation is a controlled foreign corporation (within the meaning of section 957) or for which it is included in a chain or group under section 963(c) (2) (B) or (3) (B). Once made, such election shall be irrevocable. For the time and manner in which an election may be made on behalf of a foreign corporation, see paragraph (d) (3) of this section.

(4) *Illustrations.* The application of this paragraph may be illustrated by the following examples:

Example (1). Corporation M is a controlled foreign corporation which regularly maintains books of account for the purpose of accounting to its shareholders in accordance with the accounting practices prevalent in country X, the country in which it operates. As a consequence of those practices, the profit and loss statement prepared from these books of account reflects an allocation to an arbitrary reserve out of income and depreciation allowances based on replacement values which are greater than historical cost. Adjustments are necessary to conform such statement to accounting principles generally accepted in the United States. Assuming these adjustments to be material, the unacceptable practices will have to be eliminated from the statement, an increase in the amount of profit (or a decrease in the amount of loss) thereby resulting.

Example (2). Corporation N is a foreign corporation which is not a controlled foreign corporation but which is included in a chain, for minimum distribution purposes, under section 963(c)(2)(B). Corporation N regularly maintains books of account for the purpose of accounting to its shareholders in accordance with the accounting practices of country Y, the country in which it operates. As a consequence of those practices, the profit and loss statement prepared from these books of account reflects the inclusion in income of stock dividends and of corporate distributions representing a return of capital. Adjustments are necessary to conform such statement to accounting principles generally accepted in the United States. Assuming these adjustments to be material, the unacceptable practices will have to be eliminated from the statement, a decrease in the amount of profit (or increase in the amount of loss) thereby resulting.

(c) *Translation into United States dollars*—(1) *In general*—(i) *General rule.* Except as provided in subdivisions (ii), (iii), and (iv) of this subparagraph, the amounts to be shown on the profit and loss statement, adjusted pursuant to paragraph (b) of this section, shall be translated into United States dollars (as required by paragraph (a)(3) of this section) at the appropriate exchange rate for the translation period (as defined in subparagraph (6) of this paragraph) to which they relate.

(ii) *Cost of goods sold.* Amounts representing items of inventory reflected in the cost of goods sold shall be translated—

(a) To the extent that such amounts represent items included in the opening inventory balance, so as to obtain the same amount of United States dollars which represented (after translation and adjustment) such items in the closing inventory balance for the preceding taxable year,

(b) To the extent that such amounts represent items purchased or otherwise first included in inventory during the taxable year, at the appropriate exchange rate for the translation period in which the historical cost of such items was incurred, and

(c) To the extent that such amounts represent items included in the closing inventory balance, at the appropriate exchange rate for the translation period in which the historical cost of such items was incurred, except that if such amounts are written down to market value, such market value shall be determined at the year-end exchange rate for the taxable year.

(iii) *Depreciation, depletion, and amortization.* Amounts representing allowances for depreciation, depletion, or amortization shall be translated at the appropriate exchange rate for the translation period in which the historical cost of the underlying asset was incurred or is deemed to have been incurred. For purposes of this section, the historical cost of an asset acquired during a taxable year beginning before January 1, 1950, for which an election is made under paragraph (b)(3) of this section shall be deemed to have been incurred on January 1, 1950.

(iv) *Prepaid expenses or income.* Amounts representing expenses or income paid or received in a prior taxable year shall be translated at the appropriate exchange rate for the translation period during which they were paid or received.

(2) *Appropriate exchange rate*—(i) *In general.* Where the value of the foreign currency relative to the United States dollar does not fluctuate substantially during a translation period, a single exchange rate shall be appropriate for all amounts representing classes of items which relate to such period, such rate to be a simple average determined by dividing the sum of the closing rates for each of the calendar months ending with or within such period by the number of such months. On the other hand, where the value of the foreign currency relative to the United States dollar does fluctuate substantially during a translation period, the exchange rate appropriate to an amount representing a class of items which relates to such period shall be either (a) a simple average determined in accordance with the preceding sentence, or (b) a weighted average taking into account the volume of transactions (reflected by the amount being translated) for the calendar months ending with or within such period, depending upon which average would produce a result more representative of that which would have been obtained by translating the individual transactions reflected by that amount at the closing rate for the month to which each such transaction relates. Whether the value of the foreign currency relative to the United States dollar fluctuates substantially during the translation period is a question of fact, depending upon, among other things, the extent to which the volume of transactions varies from month to month. In general, however, the degree of fluctuation will be considered substantial if the closing rate for any calendar month ending with or within the translation period varies by more than 10 percent from the closing rate for any preceding calendar month ending within that period.

(ii) *Monthly rate.* Notwithstanding subdivision (i) of this subparagraph, if it is so elected by or on behalf of the foreign corporation, and if the closing rate for any calendar month ending with or within a translation period does not vary by more than 3 percent from the closing rate for any preceding calendar month ending within that period, the appropriate exchange rate for amounts representing all classes of items relating to such period shall be the closing rate for any calendar month ending with or within that period which is designated in the election. An election under this subdivision may be made with respect to any translation period of any taxable year of the foreign corporation beginning after December 31, 1962. Such election shall be effective only with respect to the translation period for which it is made, and once made shall be irrevocable with respect to that period. See paragraph

(d)(3) of this section for the time and manner in which an election may be made on behalf of the foreign corporation.

(iii) *Class of items.* For purposes of this subparagraph, the term "class of items" means any category which is reflected separately on financial statements. For example, sales is a class of items which is reflected separately on the profit and loss statement, and accounts receivable is a class of items which is reflected separately on the balance sheet.

(3) *Closing rate.* The closing rate for any calendar month shall be the exchange rate on the last day of that month determined by reference to the qualified list of exchange rates which, under subparagraph (5) of this paragraph, is employed in computing the earnings and profits of the foreign corporation.

(4) *Year-end exchange rate.* The year-end exchange rate shall be the closing rate for the last calendar month of the taxable year.

(5) *Qualified list of exchange rates.* A qualified list of exchange rates shall be any compilation of monthly exchange rates which is published regularly and which reflects actual transactions in a free market. For the first taxable year beginning after December 31, 1962, in which the foreign corporation is a controlled foreign corporation (within the meaning of section 957) or for which it is included in a chain or group under section 963(c)(2)(B) or (3)(B), there may be adopted by such corporation or on its behalf any qualified list of exchange rates for purposes of computing its earnings and profits. Once adopted, however, such a list must continue to be employed so long as it qualifies unless the Commissioner consents to a change to another list. If a list selected by or on behalf of a foreign corporation no longer qualifies, there may be adopted by such corporation or on its behalf any qualified list of exchange rates. If a qualified list of exchange rates is not adopted by or on behalf of the foreign corporation for such first taxable year or for the first taxable year in which the list previously adopted no longer qualifies, any exchange rates taken into account in the computation of its earnings and profits shall be determined by reference to the free market rate set forth in the pertinent monthly issue of "International Financial Statistics" or a successor publication of the International Monetary Fund or, in the event that the International Monetary Fund discontinues the regular publication of monthly exchange rates reflecting actual transactions in a free market, by reference to any compilation of monthly exchange rates which is published regularly, which reflects actual transactions in a free market, and which the Commissioner designates as appropriate for this purpose. See paragraph (d)(3) of this section for the manner in which a qualified list of exchange rates may be adopted or changed to on behalf of the foreign corporation.

(6) *Translation period*—(i) In general. Except as provided in subdivision (ii) of this subparagraph, the translation period shall be a taxable year.

(ii) *Currency fluctuations*. If it is so elected by or on behalf of the foreign corporation and if the closing rate for any calendar month ending with or within a taxable year varies by more than 10 percent from the closing rate for any preceding calendar month ending within that year, the taxable year shall be divided into groups of consecutive calendar months, each such group constituting a separate translation period. The first translation period of the taxable year shall begin with the first day of such year and each subsequent translation period shall begin with the first day of the first calendar month thereafter ending with or within such year for which the closing rate varies by more than 10 percent from the closing rate for any month in the preceding translation period. An election under this subdivision may be made with respect to any taxable year of the foreign corporation beginning after December 31, 1962. Such election shall be effective only with respect to the taxable year for which it is made, and once made shall be irrevocable with respect to such year. See paragraph (d)(3) of this section for the time and manner in which an election may be made on behalf of the foreign corporation.

(7) *Actual transactions*. Notwithstanding any other provisions of this paragraph—

(i) *Dollar transactions*. Any transaction involving the payment or receipt of United States dollars shall be reflected in the profit and loss statement by the amount of United States dollars involved in such transaction.

(ii) *Conversion transactions*. Any transaction involving the conversion of a foreign currency into United States dollars, or the conversion of United States dollars into a foreign currency, shall be reflected in the profit and loss statement by an amount expressed in United States dollars and determined by translation at the exchange rate at which conversion was effected if the foreign corporation knows, or reasonably should know, that exchange rate.

(8) *Illustrations*. The application of this paragraph may be illustrated by the following examples:

Example (1). M Corporation, a controlled foreign corporation organized on January 1, 1963, employs the calendar year as its taxable year and maintains its books of account in abbas, the currency of the country in which it operates. During 1963 M Corporation's monthly sales amounted to 100,000 abbas per month, its total payroll and other expenses for the year amounted to 180,000 abbas, and its total inventory purchases amounted to 1,050,000 abbas. Also during 1963, M Corporation purchased depreciable assets for 1,000,000 abbas. The value of the abba relative to the United States dollar fluctuated only slightly in 1963; the monthly closing rate moved between 19.8 abbas and 20.2 abbas per United States dollar and stood

at 20 abbas per United States dollar for most of the year and at yearend. An election under subparagraph (2)(ii) of this paragraph is made on behalf of M Corporation to use a single exchange rate of 20 abbas per United States dollar as the exchange rate appropriate for 1963. Assuming that none of the amounts shown therein reflects a transaction described in subparagraph (7) of this paragraph, M Corporation's adjusted profit and loss statement for 1963 would be translated into United States dollars as follows:

	Local currency	Exchange rate	U.S. dollars
Sales.....	1,200,000	20:1	60,000
Cost of goods sold:			
Purchases.....	1,050,000	20:1	52,500
Less: Closing inventory.....	350,000	20:1	17,500
	700,000		35,000
Wages and other expenses.....	180,000	20:1	9,000
Depreciation.....	200,000	20:1	10,000
Total costs and expenses.....	1,080,000		54,000
Operating profit.....	120,000		6,000

Example (2). The facts are the same as in example (1) and in addition during 1964 M Corporation had annual sales of 1,470,000 abbas, annual wages and other expenses of 252,000 abbas, and inventory purchases of 910,000 abbas. Also during 1964, M Corporation purchased additional depreciable assets for 430,000 abbas, the bulk of such purchases being made in the last half of the year. The value of the abba relative to the United States dollar gradually declined in 1964, the monthly closing rate moving from 20 abbas per United States dollar down to 22 abbas per United States dollar. For most classes of items, the appropriate exchange rate is a simple average of monthly closing rates or 21 abbas per United States dollar. However, since the bulk of the depreciable asset purchases were made in the last half of the year, the rate representative of those transactions is a weighted average of 21.5 abbas per United States dollar. Assuming that none of the amounts shown therein reflects a transaction described in subparagraph (7) of this paragraph, M Corporation's adjusted profit and loss statement for 1964 would be translated into United States dollars as follows:

	Local currency	Exchange rate	U.S. dollars
Sales.....	1,470,000	21:1	70,000
Cost of goods sold:			
Opening inventory.....	350,000	20:1	17,500
Purchases.....	910,000	21:1	43,333
Less: Closing inventory.....	418,000	21:1	19,905
	842,000		40,928
Wages and other expenses.....	252,000	21:1	12,000
Depreciation:			
(1963 assets).....	150,000	20:1	7,500
(1964 assets).....	86,000	21.5:1	4,000
Total costs and expenses.....	1,330,000		64,428
Operating profit.....	140,000		5,572

Example (3). The facts are the same as in examples (1) and (2) except that the 1964 sales of M Corporation amounted to 1,260,000 abbas plus \$10,500 in United States dollars. M Corporation's adjusted profit and loss statement for 1964 would be translated as follows:

	Local currency	Exchange rate	U.S. dollars
Sales—Abbas.....	1,260,000	21:1	60,000
Sales—U.S. dollars.....	215,250	(1)	10,500
Total sales.....	1,475,250		70,500
Cost of goods sold:			
Opening inventory.....	350,000	20:1	17,500
Purchases.....	910,000	21:1	43,333
Less: Closing inventory.....	418,000	21:1	19,905
	842,000		40,928
Wages and other Expenses.....	252,000	21:1	12,000
Depreciation:			
1963 assets.....	150,000	20:1	7,500
1964 assets.....	86,000	21.5:1	4,000
Total costs and expenses.....	1,330,000		64,428
Operating profit.....	145,250		6,072

¹ Transaction.

Example (4). The facts are the same as in examples (1) and (2). M Corporation continues to operate during 1965 and the value of the abba relative to the United States dollar declines materially during that year; the monthly closing rate drops from 22 abbas per United States dollar to 26 abbas per United States dollar, a decrease of more than 10 percent. An election under subparagraph (6)(ii) of this paragraph is made on behalf of M Corporation to divide the year into translation periods, the applicable periods being January 1 through July 31 and August 1 through December 31. For most classes of items, the appropriate exchange rate for each of these translation periods is a simple average of monthly closing rates, or 23 abbas and 25 abbas per United States dollar, respectively. However, all of the depreciable asset purchases were made at the end of the first translation period—January 1 through July 31—and, therefore, the rate representative of those transactions is a weighted average of 24 abbas per United States dollar. The classes of items reflecting M Corporation's 1965 financial transactions and the representative rates of exchange for such classes of items are as follows:

	Local currency	Exchange rate
Sales:		
Jan. 1–July 31.....	1,000,000	23:1
Aug. 1–Dec. 31.....	500,000	25:1
Inventory Purchases:		
Jan. 1–July 31.....	590,000	23:1
Aug. 1–Dec. 31.....	361,000	25:1
Expenses:		
Jan. 1–July 31.....	115,000	23:1
Aug. 1–Dec. 31.....	145,000	25:1
Fixed asset purchases.....	216,000	24:1
Closing inventory.....	430,000	(1)

¹ Historical.

Assuming that M Corporation uses the first-in, first-out method of inventory valuation, the closing inventory is assumed in normal circumstances to consist of purchases made during the most recent translation period as follows:

	Local currency	Exchange rate	U.S. dollars
All of the August–December purchases.....	361,000	25:1	14,440
Balance from January–July purchases.....	60,000	23:1	3,000
Total closing inventory.....	421,000		17,440

Assuming that none of the amounts shown therein reflects a transaction described in subparagraph (7) of this paragraph, M Corporation's adjusted profit and loss statement for 1965 would be translated into United States dollars as follows:

	Local currency	Exchange rate	U.S. dollars
Sales:			
Jan. 1-July 31.....	1,000,000	23:1	43,478
Aug. 1-Dec. 31.....	500,000	25:1	20,000
	1,500,000		63,478
Cost of goods sold:			
Opening inventory purchases.....	418,000	21:1	19,905
Jan. 1-July 31.....	559,000	23:1	24,304
Aug. 1-Dec. 31.....	361,000	25:1	14,440
Less: Closing inventory.....	430,000	(1)	17,440
	908,000		41,209
Wages and other expenses:			
Jan. 1-July 31.....	115,000	23:1	5,000
Aug. 1-Dec. 31.....	145,000	25:1	5,800
Depreciation:			
1963 assets.....	120,000	20:1	6,000
1964 assets.....	64,500	21.5:1	3,000
1965 assets.....	43,200	24:1	1,800
Total costs and expenses.....	1,395,700		62,809
Operating profit.....	104,300		669

¹ Historical.

(d) *Tax adjustments*—(1) *In general.* The tax accounting standards to be applied in making the adjustments required by paragraph (a) (4) of this section shall be the following:

(i) *Accounting methods.* The method of accounting shall reflect the provisions of section 446 and the regulations thereunder.

(ii) *Inventories.* Inventories shall be taken into account in accordance with the provisions of sections 471 and 472 and the regulations thereunder.

(iii) *Depreciation.* Depreciation shall be computed in accordance with section 167 and the regulations thereunder.

(iv) *Elections.* Effect shall be given to any election made in accordance with an applicable provision of the Code and the regulations thereunder and these regulations.

Except as provided in subparagraphs (2) and (3) of this paragraph, any requirements imposed by the Code or applicable regulations with respect to making an election or adopting or changing a method of accounting must be satisfied by or on behalf of the foreign corporation just as though it were a domestic corporation if such election or such adoption or change of method is to be taken into account in the computation of its earnings and profits.

(2) *Adoption of method.* For the first taxable year beginning after December 31, 1962, in which the foreign corporation is a controlled foreign corporation (within the meaning of section 957) or for which it is included in a chain or group under section 963(c) (2)(B) or (3)(B), there may be adopted by such corporation or on its behalf any method of accounting allowable under subparagraph (1) of this paragraph notwithstanding that, in previous years, its earnings and profits were computed, or its books prepared, on a different basis. If a different basis is used in previous years,

ratable adjustments shall be made in the earnings and profits attributable to such previous years to prevent any duplication or omission of amounts that would otherwise result from the adoption of such method. See subparagraph (3) of this paragraph for the manner in which a method of accounting may be adopted on behalf of the foreign corporation.

(3) *Action on behalf of corporation*—(i) *In general.* An election shall be deemed made, or an adoption or change in method of accounting deemed effectuated, on behalf of the foreign corporation only if its controlling United States shareholders (as defined in subparagraph (5) of this paragraph)—

(a) Satisfy for such corporation any requirements imposed by the Code or applicable regulations with respect to such election or such adoption or change in method, such as the filing of forms, the execution of consents, securing the permission of the Commissioner, or maintaining books and records in a particular manner,

(b) File the written statement described in subdivision (ii) of this subparagraph at the time and in the manner prescribed therein, and

(c) Provide the written notice required by subdivision (iii) of this subparagraph at the time and in the manner prescribed therein.

For purposes of the preceding sentence, the books of the foreign corporation shall be considered to be maintained in a particular manner if the controlling United States shareholders regularly keep the records and accounts required by section 964(c) and the regulations thereunder in that manner. Any election required to be made or information required to be filed with a tax return shall be deemed made or furnished on behalf of the foreign corporation if its controlling United States shareholders file the written statement described in subdivision (ii) of this subparagraph with respect to such election within the period specified therein.

(ii) *Written statement.* The written statement required by subdivision (i) of this subparagraph shall be jointly executed by the controlling United States shareholders, shall be filed with the Director of International Operations, Internal Revenue Service, Washington, D.C., 20225, within 90 days after the close of the taxable year of the foreign corporation with respect to which the election is made or the adoption or change of method effected, or 90 days after the publication of this section in the FEDERAL REGISTER as a Treasury decision, whichever is later, and shall set forth the name and country of organization of the foreign corporation, the names, addresses and stock interests of the controlling United States shareholders, the nature of the action taken, the names and addresses of all other United States shareholders notified of the election or adoption or change of method and such other information as the Commissioner may by forms require.

(iii) *Notice.* Prior to the filing of the written statement described in subdivision (ii) of this subparagraph, the controlling United States shareholders shall provide written notice of the election

made or the adoption or change of method effected to all other persons known by them to be United States shareholders who own (within the meaning of section 958(a)) stock of the foreign corporation. Such notice shall set forth the name and country of organization of the foreign corporation, the names, addresses and stock interests of the controlling United States shareholders, the nature of the action taken and such other information as the Commissioner may by forms require.

(4) *Effect of action by controlling United States shareholders.* Any action taken by the controlling United States shareholders on behalf of the foreign corporation pursuant to subparagraph (3) of this paragraph shall be reflected in the computation of the earnings and profits of such corporation under this section to the extent that it bears upon the tax liability of a United States shareholder who either—

(i) Was a controlling United States shareholder with respect to the action taken;

(ii) Received the written notice provided by subparagraph (3)(iii) of this paragraph;

(iii) Failed to file any of the returns required by section 6046 and the regulations thereunder within the period prescribed by section 6046(d); or

(iv) Was notified by the Director of International Operations of the action taken within 150 days after the close of the taxable year (of the foreign corporation) to which such action relates.

To the extent that the computation of the earnings and profits of the foreign corporation bears upon the tax liability of any United States shareholder other than those enumerated in the preceding sentence, the computation shall reflect the action taken only if such shareholder assents to such treatment. Such assent may be given at any time, but not later than 90 days after the shareholder is first apprised of such action by the Director of International Operations. The shareholder shall signify his assent by filing a written statement with the Director of International Operations, Internal Revenue Service, Washington, D.C., 20225, setting forth the name and country of organization of the foreign corporation, his own name, address, and stock interest in the corporation, the nature of the action being assented to, and such other information as the Commissioner may by forms require.

(5) *Controlling United States shareholders.* For purposes of this paragraph the controlling United States shareholders of a foreign corporation shall be those United States shareholders (as defined in section 951(b)) who, in the aggregate, own (within the meaning of section 958(a)) more than 50 percent of the total combined voting power of all classes of the stock of such corporation entitled to vote and who undertake to act on its behalf. In the event that the foreign corporation is not a controlled foreign corporation but is included in a chain or group under section 963(c) (2)(B) or (3)(B), the controlling United States shareholder with respect to such foreign corporation shall be deemed to be the

domestic corporation which elects to receive the minimum distribution from such chain or group. In the event that the foreign corporation is a controlled foreign corporation but the United States shareholders (as defined in section 951(b)) do not, in the aggregate, own (within the meaning of section 958(a)) more than 50 percent of the total combined voting power of all classes of the stock of such corporation entitled to vote, the controlling United States shareholders of the foreign corporation shall be all those United States shareholders who own (within the meaning of section 958(a)) stock of such corporation.

(6) *Illustrations.* The application of this paragraph may be illustrated by the following examples:

Example (1). X Corporation is a controlled foreign corporation which maintains its books, in accordance with the laws of the country in which it operates, by taking inventoriable items into account under the "first-in first-out" method. A, B, and C, the United States shareholders of X Corporation, own 45 percent, 30 percent, and 25 percent of its voting stock, respectively. For the first taxable year of X Corporation beginning after December 31, 1962, B and C adopt on its behalf the "last-in first-out" inventory method, notifying A of the action taken. Even though A may object to such action, adjustments must be made to reflect the use of the LIFO method of inventorying in the computation of the earnings and profits of X Corporation with respect to him as well as with respect to B and C.

Example (2). Y Corporation is a controlled foreign corporation which maintains its books, in accordance with the laws of the country in which it operates, by employing the straight-line method of depreciation. D, E, and F, the United States shareholders of Y Corporation, own 30 percent, 25 percent, and 10 percent of its voting stock, respectively. For the first taxable year of Y Corporation beginning after December 31, 1962, D and E adopt on its behalf the declining balance method of depreciation. However, not knowing that F is a United States shareholder of the company, they fail to provide him with notice of the action taken. Assuming that F has filed the return required by section 6046 and the regulations thereunder within the period prescribed by section 6046(d), adjustments in the computation of earnings and profits will not be required with respect to him unless the Director of International Operations notifies him of the action taken within 150 days after the close of Y's taxable year. If notice is not provided to F within this period, he will not be compelled to make the adjustments. At his option, however, he may accept the action taken by assenting thereto not later than 90 days after he is first apprised of such action by the Director of International Operations.

(e) *Exchange gain or loss.*—(1) *In general.* The exchange gain or loss determined in accordance with subparagraph (2) of this paragraph shall be applied against and reduce, or applied to and increase, as the case may be, the amount of profit or loss shown on the profit and loss statement prepared pursuant to paragraph (a)(1) of this section, as adjusted and translated pursuant to paragraph (a)(2), (3), and (4) of this section. For the manner in which the exchange gain or loss is to be allocated to or applied against subpart F income, see section 952 and the regulations thereunder.

(2) *Determination of exchange gain or loss.* The exchange gain (or loss) for the taxable year shall be the amount which equals—

(i) The retained earnings for the taxable year as determined under subparagraph (3) of this paragraph, plus

(ii) The amount of any distributions made during the taxable year translated at the exchange rate appropriate to the translation period during which such distributions were made (or taken into account in accordance with paragraph (c)(7) of this section, if applicable), minus

(iii) The amount representing retained earnings for the preceding taxable year as determined under subparagraph (3) of this paragraph, minus

(iv) The amount of profit (or plus the amount of any loss) shown on the profit and loss statement for the taxable year prepared pursuant to paragraph (a)(1) of this section and adjusted and translated pursuant to paragraph (a)(2), (3), and (4) of this section.

(3) *Retained earnings.* The retained earnings for any taxable year shall be determined by first—

(i) Preparing a balance sheet as of the end of such year from the books of account regularly maintained by the foreign corporation for the purpose of accounting to its shareholders;

(ii) Making the adjustments necessary to conform such balance sheet to the accounting principles described in paragraph (b) of this section;

(iii) Translating the amounts shown on the balance sheet (other than amounts representing retained earnings) into United States dollars in accordance with subparagraph (4) of this paragraph; and

(iv) Making the further adjustments necessary to conform such translated balance sheet to the tax accounting standards described in paragraph (d) of this section.

The retained earnings shall be an amount equal to the excess of the aggregate amount representing assets on the balance sheet (as adjusted and translated under this subparagraph) over the aggregate amount representing liabilities, reserves (other than reserves out of current or accumulated earnings), and paid-in capital on the balance sheet (as adjusted and translated under this subparagraph). For the treatment of earnings and profits segregated into reserve accounts from which distribution is prevented by restrictions and limitations imposed by a foreign government, see section 964(b) and the regulations thereunder.

(4) *Translation of balance sheet.* Amounts shown on the balance sheet as adjusted pursuant to subparagraph (3) (ii) of this paragraph (other than amounts representing retained earnings) shall be translated into United States dollars as follows:

(i) *Financial assets.* Amounts representing financial assets shall be translated at the year-end exchange rate.

(ii) *Physical assets.* Amounts representing physical assets (other than inventory) shall be translated at the ap-

propriate exchange rate for the translation period in which the historical cost of the asset was incurred or is deemed to have been incurred. For special rule for determining date on which the historical cost of certain assets acquired in taxable years beginning before January 1, 1950, is deemed to have been incurred, see paragraph (b)(3) of this section.

(iii) *Depreciation and similar reserves.* Amounts representing depreciation, depletion, and amortization reserves shall be translated at the appropriate exchange rate for the translation period in which the historical cost of the underlying asset was incurred or is deemed to have been incurred.

(iv) *Inventory.* Amounts representing items of inventory shall be translated at the appropriate exchange rate for the translation period in which the historical cost of the item was incurred or, in the event that such amounts are written down to market value, such market value shall be determined, at the year-end exchange rate.

(v) *Bad debt reserves.* Amounts representing bad debt reserves shall be translated at the year-end exchange rate.

(vi) *Prepaid income or expense.* Amounts representing prepaid income or expense shall be translated at the appropriate exchange rate for the translation period in which the income was received or the expense paid.

(vii) *Short-term liabilities.* Amounts representing short-term liabilities shall be translated at the year-end exchange rate.

(viii) *Long-term liabilities.* Amounts representing long-term liabilities shall be translated at the appropriate exchange rate for the translation period in which such liabilities were incurred.

(ix) *Paid-in capital.* Amounts representing paid-in capital shall be translated at the appropriate exchange rate for the translation period in which such capital was paid in.

Notwithstanding any other provisions of this subparagraph, where the amount representing an item shown on the balance sheet reflects a transaction described in paragraph (c)(7) of this section, such transaction shall be taken into account in accordance with that paragraph.

(5) *Definitions.* For purposes of this paragraph—

(i) *Financial assets.* A financial asset shall be any asset reflecting a fixed amount of foreign currency, such as cash on hand, bank deposits, and loans and accounts receivable. Securities (within the meaning of section 1236(c)) shall be considered financial assets whether or not they reflect a fixed amount of foreign currency. However, the term "financial asset" shall not include any securities of, or advances on open account to, any corporation in which the foreign corporation and any related persons (within the meaning of section 954(d)(3) and the regulations thereunder) with respect thereto own at least 10 percent of the combined voting power of all classes of stock entitled to vote.

(ii) *Physical assets.* A physical asset shall be any asset other than a financial asset and shall include goodwill, patents and other intangibles.

(iii) *Short-term liabilities.* A short-term liability shall be any indebtedness of the foreign corporation which is due or overdue as of the date of the balance sheet or which will become due within one year thereafter.

(iv) *Long-term liabilities.* A long-term liability is any indebtedness of the foreign corporation other than a short-term liability.

For the definition of "appropriate exchange rate", "year-end exchange rate" and "translation period", see paragraph (c) (2), (4), and (6) respectively of this section.

(6) *Illustrations.* The application of this paragraph may be illustrated by the following examples:

Example (1) N Corporation is a controlled foreign corporation which uses the calendar year as its taxable year and which maintains its books in yuccas, the currency of the country in which it operates. For 1963, its operating profit is 140,000 yuccas or \$55,720. At the end of the year, its balance sheet, as translated and adjusted pursuant to subparagraph (3) of this paragraph, is as follows:

	Local currency	Exchange rate	U.S. dollars
Cash.....	\$77,000	2.20:1	35,000
Accounts receivable.....	200,000	2.20:1	95,000
Inventory.....	418,000	(1)	199,050
Fixed assets.....	1,430,000	(1)	700,000
Less: Accumulated depreciation.....	436,000	(1)	215,000
Total assets.....	1,698,000		\$14,050
Current liabilities.....	338,000	2.20:1	153,640
Long-term liabilities.....	300,000	(1)	150,000
Paid-in capital.....	800,000	(1)	400,000
Retained earnings.....	260,000		110,410
Total liabilities and net worth.....	1,698,000		\$14,050

¹ Historical.

N Corporation's retained earnings for 1962 are determined on the basis of its balance sheet as of the end of that year, translated as follows:

	Local currency	Exchange rate	U.S. dollars
Cash.....	70,000	2.00:1	35,000
Accounts receivable.....	180,000	2.00:1	90,000
Inventory.....	350,000	(1)	175,000
Fixed assets.....	1,000,000	(1)	500,000
Less: Accumulated depreciation.....	200,000	(1)	100,000
Total assets.....	1,400,000		700,000
Current liabilities.....	180,000	2.00:1	90,000
Long-term liabilities.....	300,000	(1)	150,000
Paid-in capital.....	800,000	(1)	400,000
Retained earnings.....	120,000		60,000
Total liabilities and net worth.....	1,400,000		700,000

The exchange gain or loss of N Corporation for 1963 may be computed as follows:

Retained earnings— 1963.....		110,410
Less: Retained earnings— 1962.....	60,000	
Operating profit— 1963.....	55,720	115,720
Exchange loss.....		5,310

¹ Historical.

Example (2). Assume the same facts as in example (1). For 1964, N Corporation's operating profit is 104,300 yuccas or \$15,740.

It pays a dividend of 26,000 yuccas during a translation period when the appropriate exchange rate is 2.60 yuccas per United States dollar. At year-end, its balance sheet, as translated and adjusted pursuant to subparagraph (3) of this paragraph is as follows:

	Local currency	Exchange rate	U.S. dollars
Cash.....	91,000	2.60:1	35,000
Accounts receivable.....	260,000	2.60:1	100,000
Inventory.....	436,000	(1)	174,400
Fixed assets.....	1,446,000	(1)	700,000
Less: Accumulated depreciation.....	663,700	(1)	323,000
Total assets.....	1,763,300		776,400
Current liabilities.....	325,000	2.60:1	125,000
Long-term liabilities.....	300,000	(1)	150,000
Paid-in capital.....	800,000	(1)	400,000
Retained earnings.....	338,300		101,400
Total liabilities and net worth.....	1,763,300		776,400

The exchange gain or loss of N Corporation for 1964 would be computed as follows:

Retained earnings— 1964.....		101,400
Add: Dividends—1964.....		10,000
Predistribution earnings.....		111,400
Less: Retained earnings— 1963.....	110,410	
Operating profit— 1964.....	15,740	126,150
Exchange loss.....		14,750

¹ Historical.

(f) *Determination of earnings and profits as if a domestic corporation.* If the books of account regularly maintained by a foreign corporation for the purpose of accounting to its shareholders are kept in United States dollars and in accordance with accounting principles generally accepted in the United States, and if it is so elected by or on behalf of such corporation, the earnings and profits of the foreign corporation for a taxable year shall be determined in every respect as if it were a domestic corporation. Such election shall be effective only for the taxable year with respect to which the election is made. Once made, such election shall be irrevocable. See paragraph (d) (3) of this section for the time and manner in which an election may be made on behalf of a foreign corporation.

[F.R. Doc. 64-2671; Filed, Mar. 19, 1964; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 949]

IRISH POTATOES GROWN IN RED RIVER VALLEY OF NORTH DAKOTA AND MINNESOTA

Notice of Rule Making With Respect to Termination of Marketing Agreement and Order

Notice is hereby given that the Secretary of Agriculture, upon recommendation of the Red River Valley Potato Committee, is considering termination of Marketing Agreement No. 135 and

Order No. 949 (7 CFR Part 949). This program has been effective since September 19, 1957, under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The committee advised that its recommendation is based on committee polls indicating the order (7 CFR Part 949, formerly Marketing Order No. 38) is no longer favored by a majority of potato producers in the production area.

Consideration will be given to any data, views, or arguments pertaining to this notice which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C., 20250, not later than 60 days following its publication in the FEDERAL REGISTER.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.)

Dated: March 17, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 64-2720; Filed, Mar. 19, 1964; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 101]

LANDS CONTAINING RANGE OR OTHER IMPROVEMENTS

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that pursuant to authority vested in the Secretary of the Interior by section 2478 of the Revised statutes (43 U.S.C. 1201) it is proposed to amend 43 CFR Part 101 as set forth below. A purpose of this amendment is to place in the regulations the rule that lands are appropriated from alienation or other disposition if range or other improvements have been placed on them by or pursuant to an agreement with the United States, or if funds have been allocated for such improvements. This principle has been enunciated both in court and departmental decisions. Another purpose is to state that compensation for improvements will be required if alienation or other disposition of the improved lands is to be permitted.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed amendments to the Bureau of Land Management, Washington 25, D.C. within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

A new center heading and § 101.22 are added to Part 101, to read as follows:

LANDS CONTAINING IMPROVEMENTS

§ 101.22 Lands containing range or other improvements.

Lands upon which improvements, including but not limited to range im-

provements, have been placed by or pursuant to an agreement with the United States, and lands which have been identified for construction of such improvements by definite allocation thereto of any available funds, are appropriated for a public use and are not subject to disposition under the public land laws unless and until a determination is made otherwise. In the event a determination is made to allow a requested disposition, such disposition will not be approved unless evidence is furnished that the requestor has agreed to make compensation for improvements placed upon the land, if there is to be no reservation of such improvements. If agreement between the requestor and the United States or the person who made the improvements or his successor in interest cannot be reached, the amount, manner, and time for compensation shall be fixed by the authorized officer. The refusal or failure of the requestor to comply with the agreement or the conditions fixed by the authorized officer shall be just cause for rejection of the request or cancellation of any right or interest in the lands acquired by reason of approval of the requested disposition.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

MARCH 16, 1964.

[F.R. Doc. 64-2698; Filed, Mar. 19, 1964;
8:47 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 298]

[Economic Regs. Docket No. 14640]

CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Supplemental Notice of Proposed Rule Making

MARCH 17, 1964.

The Board, by publication in 28 F.R. 12281 and by circulation of a notice of proposed rule making and Request for Comments and Information, EDR-62, dated November 12, 1963, gave notice that it has under consideration amendment of § 298.21(b) (1) and (2) to eliminate the restriction against scheduled services by air taxi operators within the territories and possessions of the United States and within the State of Hawaii. The Board requested interested persons to submit specific economic data and information to enable the Board to reach an informed judgment of the need for regular and frequent air taxi service in these areas and the competitive impact of such authorizations on the carriers presently serving these areas. The notice provided that the economic data and information be filed on or before December 20, 1963, and that data, views, or arguments pertaining solely to the communications previously filed by other interested persons be submitted on or before January 20, 1964.

By supplemental notices of proposed rule making, EDR-62A and EDR-62B dated December 4, 1963 (28 F.R. 13311)

and January 14, 1964 (29 F.R. 433), respectively, the Board extended the dates for submitting data and for commenting on such communications to February 20, 1964, and March 20, 1964, respectively.

Counsel for Aloha Airlines, Inc., has asserted that additional time is required to submit comments on the data and information that have been filed and requests that the date for submitting comments on such communications be extended for a period of 30 days. The undersigned finds that good cause has been shown for an extension of time for submitting data, views, or arguments pertaining to such communications.

Accordingly, pursuant to authority delegated under § 7.3C of Public Notice PN-15, dated July 3, 1961, the undersigned hereby extends the time for submitting data, views, or arguments, pertaining solely to communications filed by other interested persons from March 20, 1964, to April 20, 1964. All relevant data, views, or arguments received on or before April 20, 1964, will be considered by the Board before taking final action.

Copies of all communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

(Secs. 204(a), 401(a), and 416(b) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754, 771; 49 U.S.C. 1324, 1371, 1386)

By the Civil Aeronautics Board,

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel,
Rules and Special Counsel Division.

[F.R. Doc. 64-2710; Filed, Mar. 19, 1964;
8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Antibiotics for Growth Promotion and Feed Efficiency; Proposed Amend- ments; Extension of Time for Filing Comments

In the matter of amending the food additive regulations to include a requirement that animal feeds containing an antibiotic for growth promotion bear a label statement of the quantity contained therein:

The notice of proposed rulemaking in the above-identified matter was published in the FEDERAL REGISTER of February 6, 1964 (29 F.R. 1807), and granted a period of 30 days for the filing of comments. The Commissioner of Food and Drugs has received requests for an extension of time for filing comments. Good reason therefor appearing, the time for filing comments in this matter is extended to June 5, 1964.

This action is taken pursuant to section 409(d) of the Federal Food, Drug, and Cosmetic Act (72 Stat. 1787; 21

U.S.C. 348(d)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471).

Dated: March 13, 1964.

JOHN L. HARVEY,
Deputy Commissioner
of Food and Drugs.

[F.R. Doc. 64-2715; Filed, Mar. 19, 1964;
8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-CE-122]

FEDERAL AIRWAYS

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 161 is designated, in part, from Rochester, Minn., to the intersection of the Farmington, Minn., 077° and the Minneapolis, Minn., 131° True radials. VOR Federal airway No. 462 is designated, in part, from Houghton, Mich., to Whitefish, Mich.

The FAA is considering the following airspace actions:

1. Extend V-161 from the intersection of Farmington 077° and Minneapolis 131° True radials (Prescott INT); via Minneapolis; Brainerd, Minn.; to Grand Rapids, Minn.

2. Designate a segment of V-462 to extend from Bemidji, Minn., via Grand Rapids; to Duluth, Minn.

The proposed segment of V-161 from the Prescott INT to Brainerd would be designated as a common segment with V-82. The proposed segment of V-161 from Brainerd to Grand Rapids would provide a VOR route for aircraft operating between these points. The proposed segment of V-462 would provide a VOR route for aircraft operating between Duluth and Bemidji.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 13, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations
and Procedures Division.

[F.R. Doc. 64-2695; Filed, Mar. 19, 1964;
8:46 a.m.]

[14 CFR Part 105 [New]]

[Reg. Docket No. 4057; Notice 64-15]

INTENTIONAL PARACHUTE JUMPING Notice of Proposed Rule Making

The Federal Aviation Agency has under consideration a proposal to amend Part 105 [New] of the Federal Aviation Regulations to permit a person making an intentional parachute jump to drift over a congested area, an open air assembly of persons, or an airport, with an opened parachute if he is at a sufficient altitude to avoid creating a hazard to air traffic or to persons or property on the ground.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the notice or docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Ave. SW., Washington, D.C., 20553. All communications received on or before May 20, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Section 105.15 of the Federal Aviation Regulations prohibits an intentional parachute jump when it is made "over or into a congested area of a city, town, or settlement, or an open air assembly of persons unless a certificate of authorization for that jump has been issued * * *." A parachute jump is defined by § 105.1 (b) so that it includes the use of a parachute during "all or part of that descent." Therefore, "drifting over" a congested area or an open air assembly with an opened parachute is prohibited by § 105.15.

The Agency is of the opinion that it would be appropriate to relax the rule, and accordingly proposes to amend the regulations, not only with regard to § 105.15, but also § 105.17, which pertains to jumps over or onto airports. Section 105.17 has also been rewritten to make it clear that the airport management must give approval of a parachute jump

over an airport that does not have a functioning control tower, as well as onto any airport.

Jumping into or through a cloud is already prohibited by §§ 105.29 and 105.31, but the lead-in clause of § 105.29 is rewritten to state more specifically that prohibition.

In consideration of the foregoing, it is proposed to amend Part 105 [New] of the Federal Aviation Regulations as follows:

1. By amending § 105.15(a) [New] by adding a new sentence to read as follows: "However, a parachutist may drift over that congested area or open air assembly with a fully deployed and properly functioning parachute if he is at a sufficient altitude to avoid creating a hazard to persons or property on the surface."

2. By amending § 105.17 [New] to read as follows:

§ 105.17 Jumps over or onto airports.

Unless prior approval has been given by the airport management, no person may make a parachute jump, and no pilot in command of an aircraft may allow a parachute jump to be made from that aircraft—

(a) Over an airport that does not have a functioning control tower operated by the United States; or

(b) Onto any airport.

However, a parachutist may drift over that airport with a fully deployed and properly functioning parachute if he is at a sufficient altitude to avoid creating a hazard to air traffic or to persons or property on the surface.

3. By amending the introductory paragraph of paragraph (a) of § 105.29 [New] to read as follows:

(a) No person may make a parachute jump into or through a cloud and no person may make a parachute jump:

This notice of proposed rule making is issued under the authority of sections 313(a), 601, and 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1422).

Issued in Washington, D.C., on March 13, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-2696; Filed, Mar. 19, 1964;
8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

[Rev. 4]

SMALL BUSINESS SIZE STANDARDS

Definition of Small Business for the Motion Picture Production and Motion Picture Service Industries

Notice is hereby given that the Administrator of the Small Business Administration proposes, for the purpose of Government procurement and SBA business loans, to amend the Small Business Size Standards Regulation (Regi-

sion 4) by establishing specific definitions of a small business concern in the motion picture production (SIC 7811) and motion picture services (SIC 7821) industries.

It has come to SBA's attention that the \$1 million annual sales or receipts definition presently applicable to industries SIC 7811 and 7821 is too low, thereby precluding small businesses from participating in Government procurements set aside for small businesses. Therefore, it is proposed to define a concern in either of the above industries as a small business if its average annual sales or receipts for its preceding three fiscal years do not exceed \$3 million.

Interested persons may file with the Small Business Administration within thirty days after publication in the FEDERAL REGISTER, written statements of fact, opinions, or arguments concerning the proposed change.

All correspondence shall be addressed to:

Samuel S. Solomon, Director,
Size Standards Division,
Small Business Administration,
Washington, D.C., 20416.

It is proposed to establish the definition of small business motion picture production and services industries as follows:

The Small Business Size Standards Regulation (Revision 4) is hereby amended by:

1. Deleting § 121.3-8(e) and substituting in lieu thereof new § 121.3-8(e) as follows:

§ 121.3-8 Definition of small business for Government procurement.

(e) *Services.* Any concern bidding on a contract for services, not elsewhere defined in this section is classified:

(1) As small if its average annual sales or receipts for its preceding three fiscal years do not exceed \$3 million.

(2) As small if it is bidding on a contract for motion picture production (SIC 7811) and its average annual sales or receipts for its preceding three fiscal years do not exceed \$3 million.

(3) As small if it is bidding on a contract for motion picture services (SIC 7821) and its average annual sales or receipts for its preceding three fiscal years do not exceed \$3 million.

2. Adding new § 121.3-10(d) (8) and (9) to § 121.3-10(d) as follows:

§ 121.3-10 Definition of small business for SBA Business Loans.

(d) *Services.* * * *

(8) As small if it is engaged in the motion picture production industry and its annual receipts do not exceed \$3 million.

(9) As small if it is engaged in the motion picture services industry and its annual receipts do not exceed \$3 million.

Dated: March 12, 1964.

EUGENE P. FOLEY,
Administrator.

[F.R. Doc. 64-2704; Filed, Mar. 19, 1964;
8:47 a.m.]

Notices

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 23-933]

SOCORIN ET AL.

Order Denying Export Privileges for an Indefinite Period

In the matter of SOCORIN (Societa Per Il Commercio Internazionale I.N.C.), Dante Perinetti and Francesco Ferrarese, Via Trento 15, Trieste, Italy, respondents; File No. 23-933.

The Director, Export Control Investigations Division, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above named respondents all export privileges for an indefinite period because of the failure of said respondents to furnish responsive answers to interrogatories and to produce records and other writings without good cause being shown. This application was made pursuant to § 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the application for an indefinite denial order was referred to the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted.

The report of the Compliance Commissioner and the evidence in support of the application have been considered.

The evidence shows and I find that the respondent SOCORIN (Societa Per Il Commercio Internazionale I.N.C.) is a partnership consisting of Dante Perinetti and Francesco Ferrarese and has a place of business in Trieste, Italy; that the aforesaid Investigations Division is conducting an investigation into the facts surrounding the exportation from the United States of certain commodities, including electronic equipment, known to have been delivered to said respondents and into the disposition of said commodities by said respondents. It is impracticable to subpoena the respondents and relevant and material interrogatories and requests to furnish pertinent records and writings were served on them pursuant to § 382.15 of the Export Regulations. Said respondents have failed to furnish responsive answers to said interrogatories or to furnish the records and writings requested, as required by said section and they have not shown good cause for such failure. I find that an order denying export privileges to said respondents for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended.

Accordingly, it is hereby ordered:

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondents, their successors or assigns, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation, directly or indirectly, in any manner or capacity, (a) as a party or as representative of a party to any validated export license application, (b) in the preparation or filing of any export license or reexportation authorization, or document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing in any foreign country of any commodities or technical data in whole or in part exported or to be exported from the United States, and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their successors and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondents provide responsive answers, written information and documents in response to the interrogatories heretofore served upon them or give adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Regulations.

V. During the time when any respondent or successors, or related party is prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with any such respondents or related party, or whereby any such respondent or related

party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondents.

VII. In accordance with the provisions of § 382.15 of the Export Regulations, the respondents may move at any time to vacate or modify this indefinite denial order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C., 20230, an appropriate motion for relief, supported by substantial evidence and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner at Washington, D.C. at the earliest convenient date.

This order shall become effective on March 17, 1964.

Dated: March 7, 1964.

FORREST D. HOCKERSMITH,
Director,
Office of Export Control.

[F.R. Doc. 64-2707; Filed, Mar. 19, 1964;
8:47 a.m.]

Office of the Secretary RICHMOND LEWIS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

- A. Deletions: No change.
- B. Additions: No change.

This statement is made as of February 27, 1964.

Dated: March 3, 1964.

RICHMOND LEWIS,
[F.R. Doc. 64-2706; Filed, Mar. 19, 1964;
8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration
GRAIN PROCESSING CORP.

Notice of Filing of Petition Regarding Food Additives Manganese Bacitracin, Procaine Penicillin, Hygromycin B, Arsanilic Acid

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec.

409(b) (5), 72 Stat. 1786; 21 U.S.C. 348 (b) (5)), notice is given that a petition (FAP 1275) has been filed by Grain Processing Corporation, Muscatine, Iowa, 52761, proposing the amendment of §§ 121.213 and 121.253 to provide for the safe use of manganese bacitracin with procaine penicillin, hygromycin B, and arsanilic acid in specified combinations, as follows:

§ 121.213 Hygromycin B.

(c) * * *

TABLE 2—HYGROMYCIN B WITH OR WITHOUT OTHER ADDITIVES IN SWINE FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
7. Hygromycin B...	12.0	Bacitracin.....	10-50	As manganese bacitracin; withdraw 48 hours prior to slaughter.	Control of infestation of large roundworms (Ascaris suis), nodular worms (Oesophagostomum dentatum), and whipworms (Trichuris suis), and growth promotion and feed efficiency.
8. Hygromycin B...	12.0	Bacitracin+penicillin.	3.6-50	Not less than 0.6 gm. of penicillin nor less than 3.0 gm. of bacitracin; as manganese bacitracin+procaine penicillin; withdraw 48 hours prior to slaughter.	Do.

§ 121.253 Arsanilic acid.

(c) * * *

ARSANILIC ACID IN FINISHED CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
2. Arsanilic acid....	45-90 (0.005 percent-0.01 percent).			For chickens and turkeys; withdraw 5 days before slaughter.	Growth promotion and feed efficiency; improving pigmentation.
a. Arsanilic acid...	45-90.....	Bacitracin.....	4-50	For chickens and turkeys; as manganese bacitracin.	Do.
b. Arsanilic acid...	45-90.....	Bacitracin+penicillin.	3.6-50	For chickens and turkeys; not less than 0.6 gm. of penicillin nor less than 3 gm. of bacitracin; as manganese bacitracin+procaine penicillin.	Do.
c. Arsanilic acid...	45-90.....	Bacitracin+hygromycin B.	4-50 8-12	For chickens; as manganese bacitracin.	§ 121.213(c), table 1, item 1, and growth promotion and feed efficiency.
d. Arsanilic acid...	45-90.....	Bacitracin+penicillin+hygromycin B.	3.6-50 8-12	For chickens; not less than 0.6 gm. of penicillin nor less than 3 gm. of bacitracin; as manganese bacitracin+procaine penicillin.	Do.

Dated: March 16, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-2716; Filed, Mar. 19, 1964; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 15007]

AIR AFRIQUE FOREIGN PERMIT

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on March 24, 1964, at 10:00 a.m., e.s.t., in

Room 911, Universal Building, Connecticut and Florida Avenues N.W., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., March 17, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-2712; Filed, Mar. 19, 1964; 8:48 a.m.]

[Docket 14903]

PLEASANT TRAVEL SERVICE AND INTERNATIONAL TRAVEL CONTRACTORS

Enforcement Proceeding; Notice of Hearing

S. M. Stein Enterprises, Inc., d/b/a Pleasant Travel Service, and as International Travel Contractors.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on April 14, 1964, at 10:00 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Herbert K. Bryan.

Dated at Washington, D.C., March 17, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-2713; Filed, Mar. 19, 1964; 8:48 a.m.]

[Docket 15079]

WESTBOUND GENERAL COMMODITY RATES¹

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 16, 1964, at 10:00 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner William J. Madden.

In order to facilitate the conduct of the conference interested parties are instructed to submit to the Examiner and other parties on or before April 7, 1964: (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., March 17, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-2714; Filed, Mar. 19, 1964; 8:48 a.m.]

[Docket No. 13777; Order E-20579]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fares and Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of March 1964.

An agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to fare and rate matters; Docket No. 13777, Agreement C.A.B. 17632.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the Inter-

¹ See Order E-20571, 3/12/64 CAB.

national Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned the above-designated C.A.B. Agreement number.

This agreement revalidates, for a further period, the special rules relating to the sale of transportation in Brazil.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find Resolution 100(Mail 359)002d, which is incorporated in the above-described agreement, to be adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That, Agreement C.A.B. 17632 be and hereby is approved.

Any air carrier party to the agreement, or any interested person, may within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-2711; Filed, Mar. 19, 1964;
8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service PIKES PEAK STOCKMEN CENTER ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

COLORADO

<i>Original name of stockyard, location, and date of posting</i>	<i>Current name of stockyard and date of change in name</i>
Pikes Peak Stockmen Center, Colorado Springs, Apr. 12, 1961.	Pikes Peak Livestock Commission Co., Inc., Dec. 6, 1963.

ILLINOIS

Harry Schrader Consignment Sale, Dakota, Nov. 23, 1959.	Harry Schrader Marketing Center, Jan. 1, 1964.
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INDIANA

Vincennes Producers Livestock Association, Vincennes, Apr. 28, 1959.	Producers Livestock Association, Oct. 16, 1963.
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IOWA

Wehrheim and Peterson Sales Pavillion, Webster City, May 19, 1959.	E. V. Wehrheim Sales Pavillion, Feb. 19, 1964.
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NORTH CAROLINA

Warrenton Stock Yards, Warrenton, Sept. 3, 1960----	Warrenton Livestock Market, Feb. 1, 1964.
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OHIO

Bucyrus Union Stockyards, Bucyrus, Mar. 9, 1937----	Producers Livestock Association, Oct. 16, 1963.
Producers Stockyards, Chillicothe, Mar. 12, 1954----	Producers Livestock Association, Oct. 16, 1963.
Producers Stockyards of Columbus, Columbus, Feb. 27, 1935.	Producers Livestock Association, Oct. 16, 1963.
Preble County Livestock Producers Association, Eaton, June 1, 1959.	Producers Livestock Association, Oct. 16, 1963.
Highland Producers Association, Hillsboro, June 11, 1959.	Producers Livestock Association, Oct. 16, 1963.
Marion Union Stock Yards, Marion, Feb. 5, 1934----	Producers Livestock Association, Oct. 16, 1963.
Producers Stock Yards, Mt. Vernon, Mar. 24, 1954--	Producers Livestock Association, Oct. 16, 1963.
Clark County Livestock Producers Association, Springfield, May 29, 1959.	Producers Livestock Association, Oct. 16, 1963.
Producers Stockyards, Washington Court House, Jan. 7, 1947.	Producers Livestock Association, Oct. 16, 1963.

OREGON

Midway Auction Co., Medford, Sept. 30, 1959-----	Rogue Valley Livestock Auction, Inc., Mar. 2, 1964.
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SOUTH DAKOTA

Rapid City Livestock Exchange, Inc., Rapid City, Jan. 24, 1947.	Stockman's Commission Company, Inc., Feb. 1, 1964.
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TENNESSEE

Kirk Auction Co., Athens, May 15, 1959-----	Athens Livestock Auction Co., Dec. 31, 1963.
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Done at Washington, D.C., this 17th day of March 1964.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and
Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 64-2721; Filed, Mar. 19, 1964; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RP64-23]

ALABAMA-TENNESSEE NATURAL GAS CO.

Notice of Proposed Changes in Rates and Charges

Correction

In F.R. Doc. 64-2499, appearing at page 3408 of the issue for March 14, 1964, the docket number should read as set forth above.

[Docket No. RP64-16]

KANSAS-NEBRASKA NATURAL GAS COMPANY, INC.

Order Suspending Proposed Revised Tariff Sheets, Providing for Hear- ing and Prescribing Procedure

MARCH 13, 1964.

On January 31, 1964, Kansas-Nebraska Natural Gas Company (K-N) tendered for filing certain revised tariff sheets¹ to its FPC Gas Tariff, First Revised Volume No. 1. The tendered tariff sheets provide for increases in jurisdictional rates and charges, which K-N proposes be made, effective as of March 17, 1964.

K-N operates about 6,200 miles of gathering and transmission lines and delivers gas to consumers in Kansas, Nebraska, Colorado and Wyoming. Gas sales for the base period, the 12 months ended September 30, 1963, approximated 79.1 million Mcf. The proposed rates would increase the company's annual revenues by about \$853,600, or 18 percent over the revenues computed at existing rates, based upon sales during the year ended September 30, 1963.

The reason for the increases in rates, K-N states is due principally to a large investment which has been made to provide pipeline and storage capacity and to increases in purchased gas costs. The increase in investment relates particularly to facilities which have been certificated by the Commission during the past year. Further, the company states that the embedded cost of debt capital has increased.

K-N's tendered filing raises a number of issues, including, but not limited to (1) purchased gas costs; (2) operating expenses; (3) rate of return and income tax allowance; (4) cost allocation and rate design; (5) annual depreciation rates; and (6) determination of whether certain sales are jurisdictional.

The proposed rates and charges contained in the revised tariff sheets tendered for filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential or unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission enter upon a public hearing concerning the lawfulness of the rates,

¹ First Revised Sheet Nos. 6, 8, 8A, 8B, 8C, 8D, 8E, and 10A; Second Revised Sheet Nos. 2, 3 and 7; and Third Revised Sheet Nos. 4, 5 and 9 to its FPC Gas Tariff, First Revised Volume No. 1.

charges, classification and services contained in the revised tariff sheets to K-N's FPC Gas Tariff, First Revised Volume No. 1, which were tendered for filing January 31, 1964, and that said revised tariff be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 8 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held on a date fixed by notice by Presiding Examiner Ames W. Williams, or by any other officer who may be designated by the Chief Examiner for that purpose, concerning the lawfulness of the rates, charges, classifications, and services contained in the revised tariff sheets to K-N's First Revised Volume No. 1 which were tendered for filing January 31, 1964.

(B) Pending such hearing and decision thereon, the revised tariff sheets to K-N's First Revised Volume No. 1, and the rates and charges contained therein are hereby suspended and the use thereof deferred until August 17, 1964, or until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) The Commission staff and all interveners proposing to present evidence in this proceeding shall serve their testimony and exhibits upon the Presiding Examiner and all parties as follows: Staff, on or before June 15, 1964; Interveners on or before July 1, 1964.

(D) Pursuant to § 1.18 of the Commission's rules of practice and procedure, a pre-hearing conference before the Presiding Examiner shall commence at 10:00 a.m., e.s.t., on July 13, 1964, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., 20426, for the purpose of reaching such agreements as will expedite the determination herein, including, but not limited to stipulation of facts, naming and defining of issues, and establishment of dates for service of rebuttal testimony and for cross-examination of witnesses.

(E) The cross-examination, when commenced shall be continuous as to all witnesses to be presented, unless the Presiding Examiner finds that extraordinary circumstances preclude such procedure.

(F) The Presiding Examiner shall control the progress of this proceeding to its prompt conclusion.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2700; Filed, Mar. 19, 1964; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

GIRARD TRUST BANK

Order Approving Merger of Banks

In the matter of the application of Girard Trust Bank for approval of

merger with The First National Bank of Riegelsville.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by Girard Trust Bank, Philadelphia, Pennsylvania, a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and The First National Bank of Riegelsville, Riegelsville, Pennsylvania, under the charter and title of the former. As an incident to the merger, the sole office of The First National Bank of Riegelsville would become a branch of Girard Trust Bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice on the competitive factors involved in the proposed merger,

It is hereby ordered, For the reasons set forth in the Board's Statement² of this date, that said application be and hereby is approved, provided that said merger shall not be consummated (a) within seven calendar days after the date of this order or (b) later than three months after said date.

Dated at Washington, D.C., this 13th day of March 1964.

By order of the Board of Governors.³

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 64-2697; Filed, Mar. 19, 1964; 8:47 a.m.]

GENERAL SERVICES ADMINISTRATION

[Docket No. 73,100-U]

[Delegation of Authority 425]

SECRETARY OF DEFENSE

Authority To Represent Interests of Executive Agencies of Federal Government in Matter of Issuance of a Show Cause Order Concerning Certain Pipeline Companies Before Kansas State Corporation Commission

1. Pursuant to the authority vested in me by the Federal Property and Ad-

¹ Entitled "Girard Trust Corn Exchange Bank" prior to March 9, 1964.

² Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551 or to the Federal Reserve Bank of Philadelphia.

³ Voting for this action: Vice Chairman Balderston, and Governors Mills, Robertson, Shephardson, Mitchell, and Daane. Absent and not voting: Chairman Martin.

ministrative Services Act of 1949, 63 Stat. 377, as amended, authority is hereby delegated to the Secretary of Defense, in accordance with sections 201(a)(4) and 205(d) and (e) thereof, to represent the interests of the executive agencies of the Federal Government in the Matter of the Issuance of a Show Cause Order Concerning Certain Pipeline Companies, before the Kansas State Corporation Commission, Docket No. 73,100-U.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration, and shall further be exercised in cooperation with the responsible officers, officials and employees of General Services Administration.

4. This delegation of authority shall be effective March 10, 1964.

Dated: March 16, 1964.

BERNARD L. BOUTIN,
Administrator of
General Services.

[F.R. Doc. 64-2708; Filed, Mar. 19, 1964; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 17, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38884: *Liquid Caustic Soda to Nixon, Ga.* Filed by Southwestern Freight Bureau, agent (No. B-8521), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from points in Louisiana and Texas, to Nixon, Ga.

Grounds for relief: Market competition.

Tariffs: Supplements 34, 129 and 19 to Southwestern Freight Bureau, agent, tariffs I.C.C. 4529, 4450, and 4534, respectively.

FSA No. 38885: *Sodium Silicate to Mobile, Ala.* Filed by Southwestern Freight Bureau, agent (No. B-8522), for interested rail carriers. Rates on dry sodium (soda) silicate, in carloads, from Dallas, Tex., to Mobile, Ala.

Grounds for relief: Market competition.

Tariff: Supplement 19 to Southwestern Freight Bureau, agent, tariff I.C.C. 4534.

FSA No. 38886: *Soda Ash to Cedar Springs, Ga.* Filed by Southwestern Freight Bureau, agent (No. B-8523), for interested rail carriers. Rates on soda ash, in carloads, from points in Louisiana and Texas, also Baldwin, Ark., to Cedar Springs, Ga.

Grounds for relief: Market competition.

Tariffs: Supplements 33, 129 and 19 to Southwestern Freight Bureau, agent, tariffs I.C.C. 4529, 4450 and 4534, respectively.

FSA No. 38887: *Liquefied Chlorine Gas from Lake Charles, La.* Filed by Southwestern Freight Bureau, agent (No. B-8524), for interested rail carriers. Rates on liquefied chlorine gas, in tank-car loads, from Lake Charles, La., to Demopolis and Green Tree, Ala.

Grounds for relief: Market competition.

Tariff: Supplement 129 to Southwestern Freight Bureau, agent, tariff I.C.C. 4450.

FSA No. 38888: *Clay to McNeil and Waterloo, Ark.* Filed by Southwestern Freight Bureau, agent (No. B-8525), for interested rail carriers. Rates on processed clay, noibn, in carloads, from Dolan, Lufkin, Martin and Nacogdoches, Tex., to McNeil and Waterloo, Ark.

Grounds for relief: Market competition.

Tariff: Supplement 12 to Southwestern Freight Bureau, agent, tariff I.C.C. 4481.

FSA No. 38889: *Ferro Alloys to Houston, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-8526), for interested rail carriers. Rates on ferro alloy metals, as described in the application, in carloads, from Relief, Ohio and Graham, W. Va., to Houston, Tex.

Grounds for relief: Truck-barge competition.

Tariff: Supplement 178 to Southwestern Freight Bureau, agent, tariff I.C.C. 4397.

FSA No. 38890: *Soda Ash to Hillsboro and Lincoln, Ill.* Filed by Southwestern Freight Bureau, agent (No. B-8527), for interested rail carriers. Rates on soda ash, other than modified, in carloads,

from Freesport, Tex., to Hillsboro and Lincoln, Ill.

Grounds for relief: Market competition.

Tariff: Supplement 4 to Southwestern Freight Bureau, agent, tariff I.C.C. 4564.

FSA No. 38891: *Iron or Steel Articles to Pascagoula, Miss.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2709), for interested rail carriers. Rates on iron or steel articles, viz: plate or sheet, noibn, galvanized or plain, corrugated or not corrugated, strip steel, noibn, in carloads, from points in Ohio, Pennsylvania and West Virginia, to Pascagoula, Miss.

Grounds for relief: Barge-rail and market competition.

Tariff: Supplement 32 to Traffic Executive Association-Eastern Railroads agent, tariff I.C.C. C-282.

FSA No. 38892: *T.O.F.C. Service from and to Clinton, Okla., and Burris, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-8528), for interested rail carriers. Rates on various commodities moving on class and commodity rates and loaded in trailers and transported on railroad flat cars, between Clinton, Okla., and Burris, Tex., on the one hand, and points in official (including Illinois), southern, southwestern and western trunk-line territories, on the other.

Grounds for relief: Short-line distance formula and grouping.

Tariffs: Supplement 169 to Southwestern Freight Bureau, agent, tariff I.C.C. 4345 and 7 other schedules named in the application.

FSA No. 38893: *T.O.F.C. Service from and to Points in Southwestern Territory.* Filed by Southwestern Freight Bureau, agent (No. B-8529), for interested rail carriers. Rates on fresh meats and packinghouse products loaded in trailers and transported on railroad flat cars, between points in southwestern territory, on the one hand, and points in Illinois Freight Association and western trunk-line territories, on the other.

Grounds for relief: Short-line distance formula and grouping.

Tariffs: Supplements 169 and 95 to Southwestern Freight Bureau, agent, tariffs I.C.C. 4345 and 4480, respectively.

By the Commission.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-2703; Filed, Mar. 19, 1964;
8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 18, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38895: *Starch and Dextine from Points in Iowa.* Filed by Western Trunk Line Committee, agent (No. A-2353), for interested rail carriers. Rates on starch and dextrine, in carloads, from specified points in Iowa, to points in Alabama, Florida, Georgia, Louisiana, North Carolina, and South Carolina.

Grounds for relief: Market competition.

Tariff: Supplement 125 to Western Trunk Line Committee, agent, tariff I.C.C. A-4396.

AGGREGATE-OF-INTERMEDIATES

FSA No. 38894: *Pullman Charges in Eastern Territory.* Filed by The Pullman Company (No. 13), for interested rail carriers. Pullman charges for upper and lower berths, sections, duplex roomettes, roomettes, bedrooms, bedroom suites, compartments and drawing rooms, between points in the United States.

Grounds for relief: Experimental space charges to meet competition of other modes of transportation.

By the Commission.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-2736; Filed, Mar. 19, 1964;
8:50 a.m.]

CUMULATIVE CODIFICATION GUIDE—MARCH

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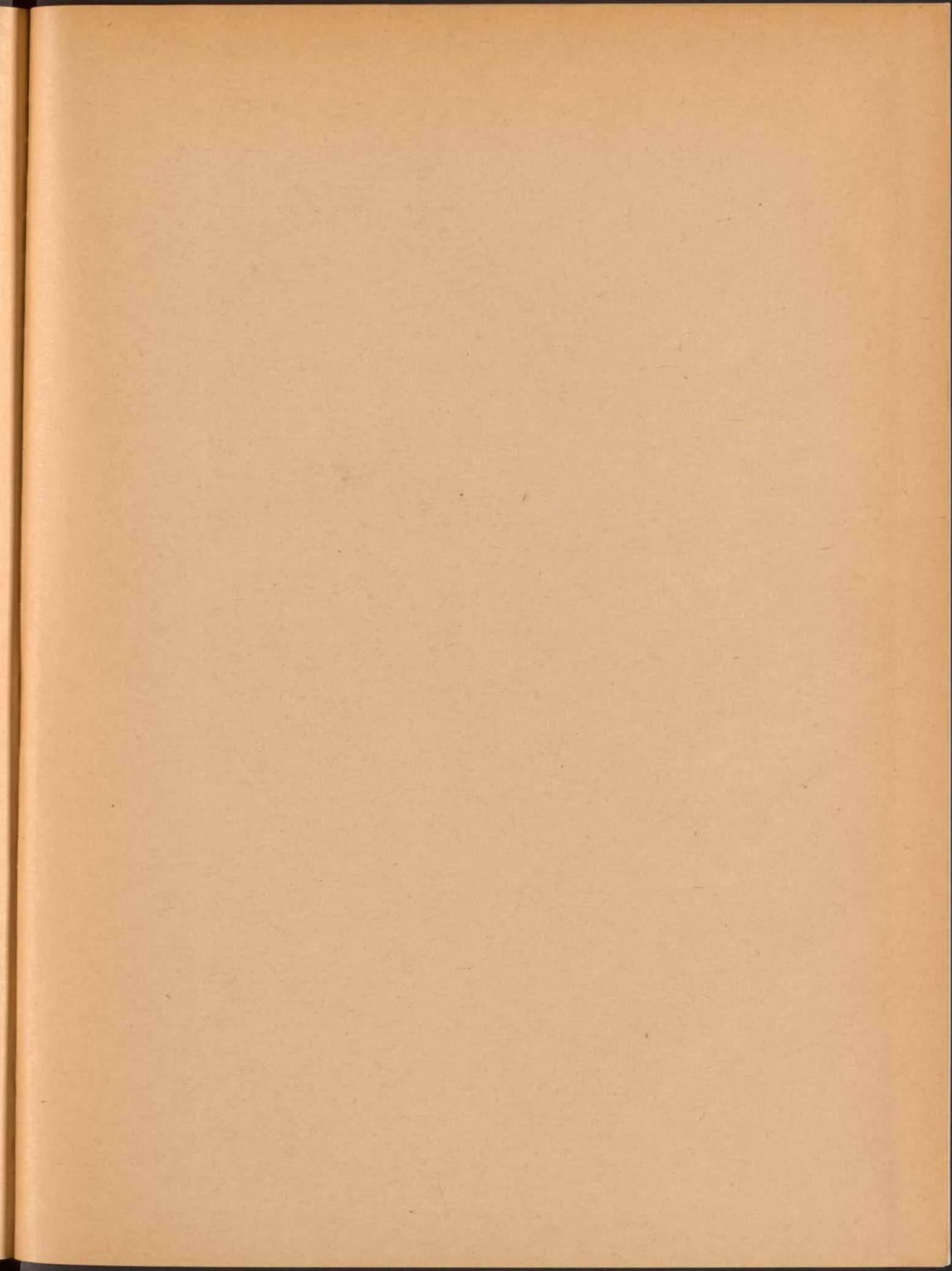
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